



Environmental Compliance Quality Assurance

Review Guide

Environmental Compliance Quality Assurance Review Guide

Handbook AS-555

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A. Purpose

Postal Service Commitment. The Postal Service is committed to implementing a nationwide environmental protection policy and ensuring cost-effective compliance with federal, state, and local environmental regulations. An important tool for achieving compliance with respect to all environmental programs is the environmental compliance quality assurance review (QAR) process. All facilities are encouraged to actively identify and implement pollution prevention opportunities to minimize and eliminate, to the extent possible, environmental risks.

B. Contents. This handbook provides guidance on determining compliance with federal, state, and local environmental regulations and with Postal Service policy for the following environmental program areas: air quality, drinking water, water pollution, nonhazardous solid waste, hazardous waste, underground and above ground storage tanks, past disposal of hazardous substances, emergency planning and community right-to-know, asbestos, polychlorinated biphenyls, pesticides, radon, lead-based paint, environmental noise, natural and cultural resources, environmental impact documentation, and pollution prevention opportunities.

Information includes discussions of the applicable laws and regulations, postal QAR responsibilities, general review requirements, regional compliance plans, phases of the review process and the function of the review team, reporting requirements, corrective action and tracking, and program evaluation. Resources available inside and outside the Postal Service are presented to provide additional assistance.

C. Revisions. This handbook will be revised to modify environmental QAR policies and strategies as needed to reflect new legislation and regulations.

D. Distribution

1. **Initial.** This document is being distributed to all Headquarters functions, area offices, customer service districts, and processing and distribution facilities.
2. **Additional Copies.** Organizations not included in the initial distribution or those requiring additional copies should order copies from their material distribution center (MDC) using Form 7380, *MDC Supply Requisition*.

E. Comments and Questions. If you need further clarification of the policies and procedures outlined in this handbook, send your request to:

MANAGER
ENVIRONMENTAL MANAGEMENT POLICY
UNITED STATES POSTAL SERVICE
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F. Effective Date. These instructions are effective immediately.



William J. Dowling
Vice President
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1 Introduction

1-1 General

Environmental quality assurance is defined as a preventive, systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements. Exhibit 1-1 identifies the benefits of an effective environmental compliance quality assurance review program.

This handbook is addressed to individuals in the Postal Service area offices, the customer service districts, and the processing and distribution facilities who have primary responsibility for ensuring compliance with environmental laws and regulations. It provides the following information:

- a. How to conduct environmental compliance quality assurance reviews (QARs) of postal operations and facilities.
- b. Who within the Postal Service is responsible for planning, conducting, and reporting environmental compliance QARs.
- c. What are the different types of environmental QARs and how often they should be conducted.
- d. How to correct noncompliance findings identified during the conduct of QARs.

Exhibit 1-1

Benefits of the Postal Service Environmental QAR Program

The potential benefits of an environmental QAR program are as varied as the types of reviews conducted. Typical benefits of reviews performed at federal facilities include:

- Reducing generated waste to lowest practicable levels.
 - Enhancing awareness to prevent environmental problems.
 - Detecting potential compliance problems.
 - Identifying and addressing the potential for adverse effects with respect to all environmental media.
 - Defining more cost-effective measures to achieve compliance.
 - Ensuring the adequacy of standard operating procedures.
 - Improving environmental risk management systems by identifying conditions that could adversely affect the facility.
 - Assessing the level of risk associated with problems identified.
 - Training and motivating personnel to work in an environmentally acceptable manner.
 - Enhancing total quality environmental management protocols and benchmarks.
-

1-2 Policy

As stated in the Postal Service's *Administrative Support Manual 55*, Environmental Management, the Postal Service must comply with all applicable environmental laws and regulations governing its activities. To ensure that it is in conformance, the Postal Service has implemented a sustained program of environmental compliance quality assurance. When compliance deficiencies are noted as a result of the QAR process, changes must be implemented in a cost-effective, environmentally sound, and organizationally suitable manner. Exhibit 1-2 is a statement of the Postal Service's overall environmental policy.

Exhibit 1-2

Postal Service's Policy for Environmental Protection

**UNITED STATES POSTAL SERVICE POLICY FOR
ENVIRONMENTAL PROTECTION**

Policy

The United States Postal Service is committed to provide employees and customers with a safe and healthy environment. Environmental protection is the responsible thing to do, and makes for sound business practices.

GUIDING PRINCIPLES

- We will meet or exceed all applicable environmental laws and regulations in a cost-effective manner.
- We will incorporate environmental considerations into our business planning processes.
- We will foster the sustainable use of natural resources by promoting pollution prevention, reducing waste, recycling, and reusing materials.
- We will expect every employee to take ownership and responsibility for our environmental objectives.
- We will work with customers to address mutual environmental concerns.
- We will measure our progress in protecting the environment.
- We will encourage suppliers, vendors, and contractors to comply with similar environmental protection policies.

MARVIN RUNYON
POSTMASTER GENERAL

1-3 Scope

The policies and guidelines in this handbook apply to all postal operations conducted in owned or leased buildings and/or sites and to the activities of contractors while on postal property.

1-4 Organization

1-4.1 **Chapters**

This document is divided into chapters corresponding to the various phases of the postal environmental quality assurance program:

Chapter 2 QAR Program Requirements

Chapter 3 Area Office Quality Assurance Plans

Chapter 4 QAR Process

Chapter 5 QAR Results

Chapter 6 QAR Program Evaluation

1-4.2 **Appendices**

Appendix A is a glossary of key terms that apply to the information provided in this handbook.

Appendix B provides information on federal statutes with respect to the regulatory scope and state and local regulatory authority.

Appendix C is the Postal Service's previsit questionnaire for environmental compliance QARs.

Appendix D, published separately, is the QAR checklists for 19 regulatory or pollution control programs that may be evaluated. Exhibit 1-4.2 identifies the regulatory and pollution control programs covered by the checklists in Appendix D.

Appendix E is a performance evaluation form that facilities can use to document the performance of a compliance review team following completion of the onsite phase of a QAR.

Exhibit 1-4.2

List of Appendix D Environmental Compliance Review Checklists

Environmental Compliance QAR Program	Appendix Number
1. Resource Conservation and Recovery Act Subtitle C (hazardous waste management)	D1
2. Resource Conservation and Recovery Act Subtitle D (solid waste)	D2
3. Resource Conservation and Recovery Act Subtitle I (underground storage tanks and aboveground storage tanks)	D3
4. Clean Air Act	D4
5. Clean Water Act, Water Pollution Control and NPDES Program	D5
6. Clean Water Act, Spill Prevention Control and Countermeasures	D6
7. Safe Drinking Water Act	D7
8. Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act	D8
9. Toxic Substances Control Act	D9
10. Federal Insecticide, Fungicide, and Rodenticide Act	D10
11. Emergency Planning and Community Right-to-Know Act	D11
12. National Environmental Policy Act	D12
13. Historic Preservation Act and cultural resources	D13
14. Endangered Species Act and natural resources	D14
15. Asbestos management	D15
16. Radon management	D16
17. Lead and lead-based paint management	D17
18. Environmental noise management	D18
19. Pollution prevention opportunities	D19

1-5 Background

1-5.1 Environmental Protection Agency

On July 9, 1986, the U.S. Environmental Protection Agency (EPA) issued a formal Environmental Auditing Policy Statement in the *Federal Register* that encourages all regulated entities — private, municipal, and federal — to adopt environmental quality assurance programs. The policy stresses that the ultimate responsibility for environmental performance of an entity lies with top management.

In 1988, EPA issued the *Federal Facility Compliance Strategy* to ensure that federal facilities are fully involved in federal and state compliance monitoring and enforcement activities. The ultimate aim of the EPA strategy is to ensure

that federal agencies achieve compliance rates in each environmental medium program (for example, clean air, clean water, or hazardous waste) that meet or exceed those of major industrial and municipal facilities.

EPA published an interim policy statement on April 3, 1995, in the *Federal Register* (60 FR 16875) entitled *Voluntary Environmental Self-Policing and Self Disclosure*. This interim policy provides three categories of incentives for regulated entities that conduct voluntary environmental compliance reviews and that disclose and correct noncompliance findings:

- a. EPA will eliminate or reduce by 75 percent the punitive penalties for companies or agencies that voluntarily identify, disclose, and correct violations according to the criteria outlined by EPA.
- b. EPA will not seek criminal charges through the Department of Justice if a company or agency is acting in good faith to identify, disclose, and correct violations as long as no serious harm has occurred.
- c. EPA will not use voluntary environmental reviews for the purpose of triggering enforcement investigations against a company or agency.

Additional information on environmental reviews is available in the *Annotated Bibliography on Environmental Auditing* (Seventh Edition, March 1988) and the *Generic Protocol for Environmental Audits at Federal Facilities* (1989), EPA, 401 M Street SW, Washington, DC 20460.

1-5.2 Department of Justice

On July 1, 1991, the U.S. Department of Justice (DOJ) issued a position statement that encourages self-auditing, self-policing, and voluntary disclosure and indicates that these activities are viewed as mitigating factors in DOJ's exercise of criminal environmental enforcement discretion. Additionally, it states that the DOJ attorney, in making determinations for prosecution, must consider the existence and scope of any standardized, intensive, and comprehensive environmental compliance program. Such a program may include an environmental compliance or management review.

1-6 Federal Environmental Laws

1-6.1 Relevant Statutes

A brief description of the major federal environmental statutes relevant to Postal Service operations, activities, and facilities is presented below.

1-6.1.1 Clean Air Act

The first Clean Air Act (CAA) was passed in 1967, giving EPA the authority to develop air quality standards. The CAA was amended in 1970 and 1977 to provide more stringent standards for mobile source (vehicle) and stationary source emissions, to set maximum acceptable levels of outdoor air pollutants through the National Ambient Air Quality Standards (NAAQS), and to establish requirements for nonattainment areas. The Clean Air Act

Amendments (CAAA) of 1990 provide stricter standards and more severe penalties. The CAAA require EPA to develop standards for 189 specific hazardous air pollutants.

Postal Service activities and operations that may be regulated under the CAA and 1990 CAAA include the following:

- a. Vehicle fleet operations (tail pipe emissions and servicing of motor vehicle air conditioning units containing CFCs).
- b. Fuel dispensing operations.
- c. Storage of vehicle fuels in underground storage tanks (USTs) and aboveground storage tanks (control of volatile organic vapors).
- d. Spray paint operations.
- e. Steam generating equipment operations (furnace, boiler or other device used for combusting fuel to produce steam).
- f. Servicing and/or disposing of equipment containing refrigerants (CFCs or Halons).
- g. Operation of rotogravure printing presses.

Postal service facilities located in an ozone or carbon monoxide nonattainment area that have more than 100 employees may be required to implement a trip reduction program. Postal Service policy and guidance on complying with the Clean Air Act is provided in Handbook AS-551, *Clean Air Act Compliance*, and Management Instruction AS-550-91-11, *Clean Air Act Compliance Guidelines*.

1-6.1.2 **Clean Water Act**

The Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977 (the entire statute was renamed the *Clean Water Act*) is the principal statute governing water pollution control. The Clean Water Act (CWA) establishes a technology-based approach (end-of-pipe treatment) in eliminating pollutants discharged to U.S. waterways, including wetlands. In 1987 the CWA was amended by the Water Quality Act, which directs regulators to implement water quality-based standards to better control the discharge of toxic pollutants into waters of the U.S. Key elements of the CWA include:

- a. Reporting and remediation of releases of hazardous substances that may pose a threat to waters of the U.S.
- b. National Pollutant Discharge Elimination System (NPDES) Program: the permitting of facilities with point source or stormwater discharges to publicly-owned treatment works or to surface waters.
- c. Wetlands protection: the permitting of construction activities (including dredge and fill) that may impact wetlands.

Postal facilities that conduct any of the following activities may be subject to the CWA:

- a. Own and operate wastewater treatment plants.
- b. Discharge wastewater into public sewers or sewage treatment plants.

- c. Place dredged or fill material in or on the banks of lakes, streams, and wetlands.
- d. Store more than 660 gallons of petroleum products in a single aboveground storage tank, or more than 1,320 gallons in total capacity in all aboveground storage tanks.
- e. Store more than 42,000 gallons of petroleum products in USTs.
- f. Handle domestic sewage sludge.
- g. Discharge stormwater from construction sites or UMF areas.

Postal Service policy and guidance on complying with the Clean Water Act is provided in Handbook AS-554, *NPDES/Stormwater Guide* and Management Instruction MI-AS-550-92-7, *Storm Water Management*.

1-6.1.3 Safe Drinking Water Act

The Safe Drinking Water Act (SDWA), enacted in 1974, directs the EPA to develop minimum national drinking water standards to ensure safe public drinking water supplies.

In 1975, EPA promulgated the National Interim Primary Drinking Water Regulations that established standards for 23 contaminants. Two types of standards were developed: *primary standards* that are enforceable for protection of human health and *secondary standards* (nonenforceable health goals) that address the aesthetic qualities (e.g., color or taste) of drinking water.

The SDWA was amended in 1986 to require EPA to develop standards for an additional 60 contaminants, to strengthen regulatory control over public drinking water supply systems, and to protect groundwater resources through the regulation of underground injection wells and the establishment of wellhead protection zones.

All Postal Service facilities connected to a public water system must meet the lead use prohibition regulations (40 CFR 141.43). Other monitoring and treatment requirements may apply to postal facilities that have at least 25 employees and either obtain drinking water from private onsite wells **or** are connected to a municipal system and the postal facility further treats the water (e.g., chlorination or filtration) onsite before it is consumed by employees.

1-6.1.4 Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) establishes a system for identifying and evaluating environmental and health effects posed by the manufacture and distribution of existing and new chemicals entering the U.S. market. This law gives EPA broad authority to regulate chemical substances without regard to specific use or area of application if the chemicals present a risk to human health or the environment. TSCA also regulates several toxic chemicals not addressed by other legislation, such as the identification and abatement of asbestos in school buildings and the use of polychlorinated biphenyls (PCBs).

Most sections of TSCA do not apply to the Postal Service since it is not involved in the manufacture and distribution of toxic chemicals. However, postal facilities that use or store PCB-containing equipment (e.g., transformers, capacitors, electrical motors, hydraulic systems, fluorescent light ballasts) are regulated under TSCA (40 CFR 761). A facility also may be regulated under TSCA if it receives waste oil from offsite sources for use in an alternative fuels or dust control program, or for use as a sealant, coating, or pesticide carrier.

1-6.1.5 **Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act (RCRA) of 1976 amends the Solid Waste Disposal Act of 1965 and the Resource Recovery Act of 1970. This law addresses three major areas: hazardous waste management (Subtitle C), solid waste management (Subtitle D), and management of underground storage tanks (Subtitle I).

Hazardous Waste Management (Subtitle C)

This section of RCRA regulates the generation, treatment, storage, disposal, and transportation of hazardous wastes. RCRA mandates a cradle-to-grave system that tracks hazardous waste from the point of generation through ultimate disposal. Most states have been authorized by the EPA to administer the RCRA hazardous waste program. State programs must be equivalent to and may be more stringent than the federal RCRA regulations. For example, though waste oils and PCBs are not EPA-listed hazardous wastes, some states consider these wastes to be hazardous and the waste must be managed in accordance with the state RCRA regulations.

In 1984 RCRA was amended by the Hazardous and Solid Waste Amendments (HSWA) that bans all land disposal of untreated hazardous waste, sets schedules for implementation of the bans, and makes the bans automatic if EPA failed to act by certain dates. The law also closes loopholes in previous rules that allowed toxics to be burned in industrial furnaces.

Under RCRA, federal facilities (including Postal Service facilities) are required to conduct an inventory of all sites that the federal agency owns or operates at which hazardous waste is treated, stored, or disposed. These facilities are to conduct these inventories every 2 years and submit the results to the regulatory agency.

Postal Service operations and activities that may be sources of hazardous wastes include laboratories, VMFs, equipment repair facilities, print shops, groundskeeping operations, and battery recharge/storage rooms. The most common types of hazardous wastes generated at postal facilities include waste oils, solvents, cracked or leaking batteries, pesticides, and herbicides that have expired, inks, used paint thinners and degreasers, and old paint. Postal Service policy and guidance on complying with RCRA Subtitle C is provided in Handbook AS-553, *Hazardous Waste Guide*, and Management Instruction MI-AS-550-92-8, *Hazardous Waste Management*.

Solid Waste Management (Subtitle D)

The objectives of RCRA Subtitle D are to promote the development and use of disposal methods for solid waste that are environmentally sound and that maximize the recycling and reuse of valuable resources recoverable from solid wastes. The statute delegates the regulation of non-hazardous waste management to the states. It provides for the establishment of minimum requirements for the monitoring and control of releases to groundwater at solid waste disposal facilities. The 1984 HWSA directs EPA to strengthen the operational and monitoring requirements for facilities that accept household hazardous wastes and hazardous wastes from small quantity generators to protect groundwater resources. It also prohibits the disposal of solid wastes in "open dumps."

All postal facilities, regardless of size, generate solid wastes. The postal facility managers must identify and comply with state and local solid waste management regulations.

Underground Storage Tanks (Subtitle I)

The 1984 Hazardous and Solid Waste Amendments required EPA to promulgate regulations for USTs that contain petroleum products and hazardous substances. RCRA Subtitle I provides for the prevention, detection, and remediation of releases from UST systems. All UST systems meet minimum standards for the following items:

- a. Design, construction, and installation of new tanks and piping.
- b. Operation and maintenance of leak detection systems.
- c. Upgrade of existing UST systems.
- d. Reporting of releases from regulated UST systems.
- e. Corrective action for confirmed releases.
- f. Closure of UST systems.

EPA is delegating the implementation of RCRA Subtitle I to allow states the flexibility to develop UST programs that meet the specific needs of their regulated communities. Though state programs must meet the minimum requirements set out in the federal regulations, each state has its own specific regulatory requirements.

Postal facilities that have existing operational or abandoned USTs must comply with the following:

- a. Determine the volume of underground piping associated with aboveground storage tanks; if the piping volume is equal to or greater than 10% of the total system volume (tank + pipe capacity), the entire tank system is regulated under RCRA Subtitle I.
- b. Close existing USTs that are permanently out-of-service.
- c. Ensure that existing in-service USTs meet the upgrade requirements.
- d. Ensure that new UST systems meet the standards for design, construction, and installation.
- e. Monitor all in-service tanks using an approved leak detection method.

- f. Report all releases from USTs to the regulatory agency and implement remediation in accordance with an approved corrective action plan.

1-6.1.6 **Federal Facilities Compliance Act**

The Federal Facility Compliance Act (FFCA), enacted in October 1992, amends RCRA and waives the sovereign immunity against fines and penalties that federal agencies, including the Postal Service, previously had with respect to management of solid and hazardous wastes. Though the FFCA provides protection for government employees from civil penalties, government “agents, employees, or officers” are subject to criminal sanctions.

Postal managers must be aware of the following:

- a. The Postal Service must follow all federal, state, and local laws that address solid or hazardous waste.
- b. The Postal Service must determine the need for and obtain any required permit connected with solid or hazardous waste.
- c. The Postal Service must pay all reasonable fees associated with permits or reviews, unless the fee discriminates against the federal government.
- d. The Postal Service can be liable for all administrative and civil penalties and fines for the violation of federal, state, or local solid or hazardous waste laws, including recycling.
- e. EPA probably will inspect vehicle maintenance facilities, general mail facilities, bulk mail centers, and any other postal facility with an EPA identification number that identifies it as a generator of hazardous waste. These inspections may be conducted annually, and the costs of such inspections will be reimbursed to EPA.
- f. The Postal Service, for the most part, will be treated as any private corporation would be in terms of the solid and hazardous waste laws.

1-6.1.7 **Comprehensive Environmental Response, Compensation, and Liability Act**

Commonly known as *Superfund*, or by its acronym *CERCLA*, this law authorizes EPA to finance the cleanup of abandoned hazardous waste dump sites. While RCRA establishes a cradle-to-grave regulatory program for active hazardous wastes management units, CERCLA provides a response program for past hazardous waste activities and operations. The law provides EPA with the legal means to recover cleanup costs from entities that generated, transported, or disposed of the hazardous waste at the site. Under CERCLA, it is the responsibility of the owners and purchasers of hazardous waste sites to adhere to due diligence investigation protocols to establish the “innocent” landowner status or defense.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 amend and reauthorize CERCLA. It significantly increases the amount of money in the fund and preserves the 1980 Act's strict, joint and several liability concept. SARA also provides an “innocent” landowner defense to buying a contaminated site.

Under CERCLA, the Postal Service remains responsible for the proper management of hazardous waste and substances even after it leaves Postal Service property. Postal facility managers should ensure that hazardous wastes generated and managed at the facility are properly treated or disposed of by responsible and certified companies.

1-6.1.8 **Radon Gas and Indoor Air Quality Research Act**

This act, passed as Title IV of SARA, requires EPA to evaluate the extent and nature of the radon gas problem and report to Congress. It directs EPA to design and implement a research program to identify, characterize, and monitor indoor air pollutant sources and levels (to include radon); to determine the effects of indoor air pollutants on human health; and to identify control technologies and mitigation measures.

Currently, no federal laws or standards apply to radon management at Postal Service facilities. It is recommended that postal facilities conduct a radon survey to determine if any potential unregulated health risks are associated with the exposure of postal employees to radon in the workplace. EPA has developed guidance for the detection and mitigation of radon in residential buildings (*Radon Reduction Techniques for Detached Houses*, EPA/625/5-86019).

1-6.1.9 **Emergency Planning and Community Right-To-Know Act**

The Emergency Planning and Community Right-To-Know Act (EPCRA) was enacted as a free-standing provision of SARA Title III to address concerns about the effect of chemical releases on communities. It requests communities to develop plans for responding to the release of hazardous chemicals from nearby facilities and requires the formation of state and local response planning committees (section 303). It provides local emergency response personnel and the general public access to information on chemicals present in local facilities (section 312) and requires facilities to provide EPA and state officials with an annual accounting of toxic chemicals routinely released into the environment (section 313).

When EPCRA was promulgated in 1986, federal agencies were categorically exempt from the reporting requirements. Executive Order 12856, signed in 1993, requires federal agencies to comply with EPCRA and the Pollution Prevention Act. The Postmaster General in 1989 made a commitment that the Postal Service would comply voluntarily with EPCRA.

1-6.1.10 **Federal Insecticide, Fungicide, and Rodenticide Act**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1972, as amended in 1975, mandates that manufacturers cannot produce and importers cannot sell a product for pest control unless the compound is registered with EPA. All pesticides registered before 1972 require re-registration. The law provides requirements for the registration, use, storage, transportation, and disposal of these classes of chemical products. The act also establishes requirements for certification of applicators and permits for the various chemicals and authorizes measures of enforcement.

FIFRA requirements apply to Postal facilities that store, use, apply, or dispose of registered pesticides, pesticide products, or pesticide rinsates. Postal facilities that use a contractor to provide pest management and control services should ensure that the contractor is properly certified.

1-6.1.11 **Noise Control Act**

Although the Occupational Safety and Health Administration (OSHA) has the primary responsibility and authority for controlling most environmental noise sources, EPA was given statutory authority to oversee federal actions related to control of noise pollution. The Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978, gives EPA the authority to regulate products that are major sources of noise, such as construction, transportation, and electronic equipment. The act provides four broad responsibilities for EPA: to serve as coordinator within the federal government for noise control efforts; to establish noise standards; to regulate noise emissions from products in commerce; and to provide information to the public concerning noise emissions from products in commerce. Though the law places primary authority for regulating noise sources with state and local agencies, it stipulates that federal action is required to manage major sources of noise pollution.

Environmental noise pollution is considered to be nuisance noise that disrupts normal daily activities but does not necessarily impact public health. Noise sources become problematic when they impact a nearby noise-sensitive zone such as a school or residential area. Potential sources of environmental noise at postal facilities include vehicle fleet operation, construction activities, and operation of air conditioners or generators that are not soundproofed.

1-6.1.12 **National Environmental Policy Act**

The National Environmental Policy Act (NEPA) establishes a framework for federal agencies to evaluate the environmental effects of their actions. It requires federal agencies to prepare environmental impact statements for major federal actions, including projects and legislation to assess the effects of proposed actions on the environment. It established the President's Council on Environmental Quality to advise the president, to prepare an annual environmental quality report for Congress, and to mediate environmental disputes under the NEPA review process.

Any operational or construction activities that are planned and that have not been categorically excluded as having an adverse impact on the environment should be evaluated to determine if there is a "finding of no significant impact." Activities and operations that may require an environmental review under NEPA include but are not limited to the following:

- a. New construction that increases the building or parking lot area.
- b. Acquisition through purchase or exchange of existing buildings.
- c. Lease of existing buildings of any size, excluding the extension, renewal, renegotiation, or termination of an existing lease agreement.

- d. Expansion or improvement of an existing facility that involves external modifications.
- e. Any activity involving the disturbance of one acre or more of land.
- f. Creation, relocation, or increase of 100 or more Postal Service employees at any one facility or any location providing contract services to the Postal Service.
- g. Creation, relocation, or increase of 100 or more Postal Service vehicles at any one facility or any location providing contract services to the Postal Service.
- h. Changes in the fuels used by 100 or more vehicles operated by Postal Service.
- i. Installation or removal of an underground or aboveground storage tank containing petroleum or hazardous substances.
- j. Any outside activity such as equipment or mail box painting or vehicle washing or maintenance that could affect the waters of the U.S.

Postal Service policy and guidance on compliance with NEPA requirements is provided in Handbook RE-6, *Facilities Environmental Handbook*. A draft Management Instruction is being developed to address NEPA actions.

1-6.1.13 **Pollution Prevention Act**

The Pollution Prevention Act of 1990 established a national policy to prevent pollution or reduce it at the source whenever feasible. The act also states that pollution that cannot be prevented should be recycled in an environmentally safe manner; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner, and disposal should be used only as a last resort.

Postal Service priorities for pollution prevention are as follows:

- a. Source reduction.
- b. Recycling.
- c. Energy recovery (incineration).
- d. Waste treatment.
- e. Waste disposal.

Postal Service policy and guidance on complying with pollution prevention requirements or practices is provided in Handbook AS-552, *Waste Reduction Guide*; Management Instruction AS-550-91-10, *Pollution Prevention Program*; and Management Instruction AS-550-92-2, *Waste Reduction*.

1-6.2 Relevant Executive Orders

1-6.2.1 Executive Order 11514, Protection and Enhancement of Environmental Quality

This order provides for federal government leadership to protect and enhance the quality of the nation's environment and to sustain and enrich human life. It orders federal agencies to initiate measures needed to direct their policies, plans, and programs to meet national environmental goals.

1-6.2.2 Executive Order 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

This addresses the policy for the federal government to improve and enhance environmental quality. In furthering that policy, this order prescribes a program to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and to extend federal assistance by way of grant, loan, or contract undertakes these activities in a manner that results in effective enforcement of the Clean Air Act and the Water Pollution Control Act.

1-6.2.3 Executive Order 11988, Floodplain Management

This order, in furtherance of the National Environmental Policy Act of 1969, seeks to avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

1-6.2.4 Executive Order 11990, Protection of Wetlands

The objective of this order is to avoid the long- and short-term adverse impacts associated with the destruction and modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

1-6.2.5 Executive Order 12088, Federal Compliance with Pollution Control Standards

This order ensures federal compliance with all applicable pollution control standards including but not limited to the requirements of the Toxic Substances Control Act, the Federal Water Pollution Control Act, the Clean Air Act, the Noise Control Act, the Solid Waste Disposal Act, and the FIFRA.

1-6.2.6 Executive Order 12580, Superfund Implementation

The order includes but is not limited to requirements for the development and implementation of a National Contingency Plan and a National Response Team, cleanup schedules, enforcement, liability, employee protection, and management of the Hazardous Substance Superfund and claims.

1-6.2.7 Executive Order 12777, Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990

This order delegates administration of the National Contingency Plan, National Response System to the EPA, as well as other aspects of these statutes.

1-6.2.8 Executive Order 12843, Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances

The focus of this order is to reduce the federal government's procurement and use of substances that cause stratospheric ozone depletion.

1-6.2.9 Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements

This order, in conjunction with a presidential executive memorandum, defines environmentally and economically beneficial practices on federal landscaped grounds. The major portion of these documents deals with Integrated Pest Management and pest control practices on such grounds.

1-6.2.10 Executive Order 12873, Federal Acquisition, Recycling, and Waste Prevention

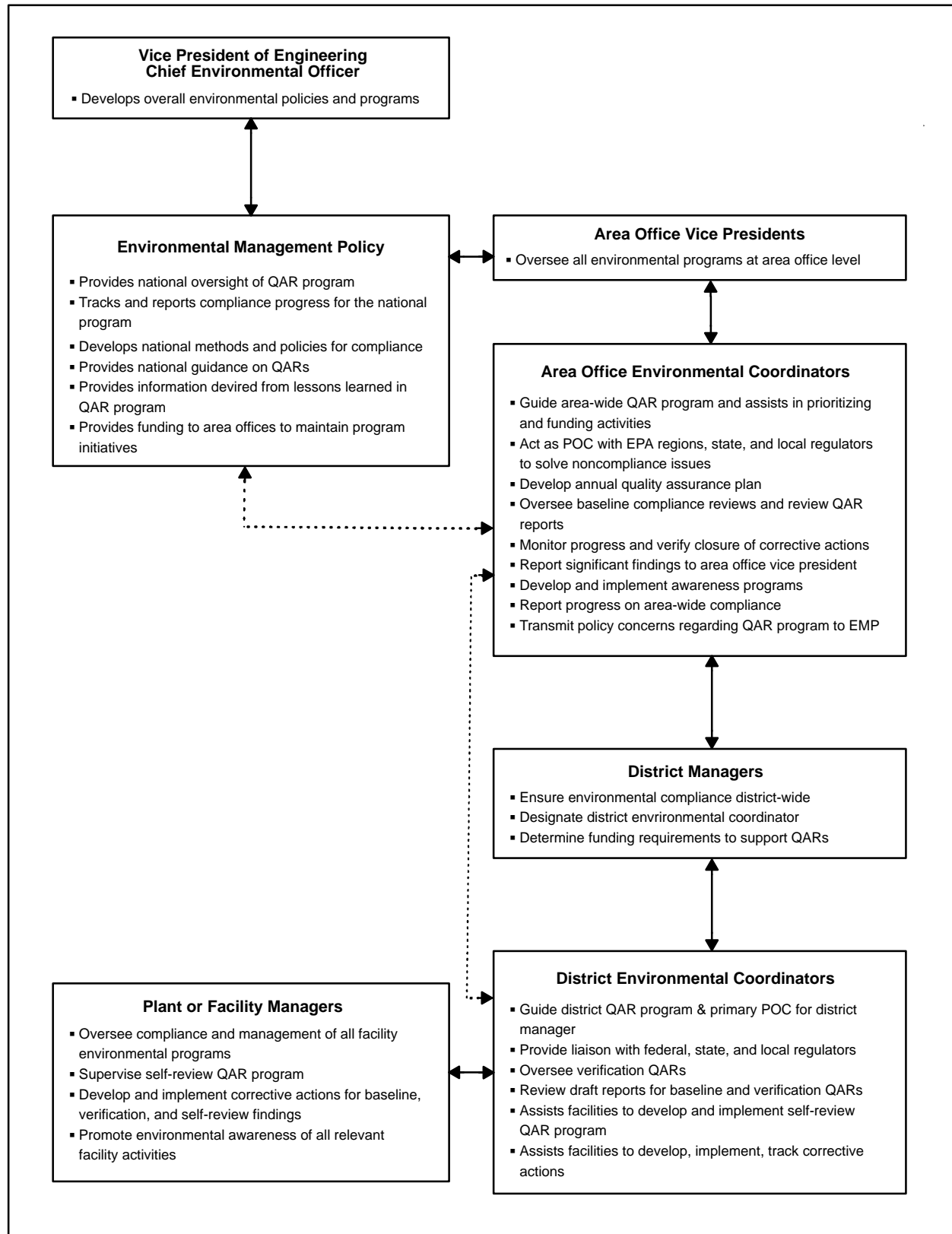
This order requires federal agencies to make more efficient use of natural resources by maximizing recycling and preventing waste wherever possible; to strengthen the role of the federal government as an enlightened, environmentally conscious, and concerned consumer; to work to conserve disposal capacity through cost-effective waste prevention and recycling activities; to serve as a model in this regard; and to use recycled and environmentally preferable products and services to spur the development of new technologies and use of such products.

1-7 QAR Responsibilities

1-7.1 General

Exhibit 1-7.1 is an organizational flowchart that shows the responsibilities of Postal Service staff for ensuring environmental compliance.

Exhibit 1-7.1

Organizational Chart of QAR Responsibilities

1-7.2 Headquarters

1-7.2.1 Vice President of Engineering

As the chief environmental officer for the Postal Service, the Vice President of Engineering is responsible for developing overall policies for implementation of the Postal Services environmental program.

1-7.2.2 Environmental Management Policy

Environmental Management Policy is responsible for the following:

- a. Providing national oversight of and guidance on implementation of the environmental compliance QAR program to ensure that program goals and objectives are being met. As part of Environmental Management Policy's oversight role and to assist in evaluating progress with compliance, it will conduct 40 national compliance reviews each year (four in each area).
- b. Developing national program procedures and guidance tools (e.g., compliance review checklists in Appendix D, published separately), in coordination with the area offices, to ensure that the QAR program is implemented in a consistent manner with respect to the types of information collected and maintained. This functional area also develops policy and guidance to assist facilities in identifying their compliance requirements with respect to applicable environmental laws and regulations.
- c. Providing policy and guidance to the field in the form of management instructions and handbooks (see section 1-8).
- d. Serving as an information center to provide guidance materials on the implementation of QAR procedures and techniques.
- e. To ensure the maintenance of an effective QAR program, assisting area offices in the funding of program initiatives.

1-7.3 Area Offices

1-7.3.1 Area Office Vice Presidents

Area office vice presidents have overall authority for postal operations at the area office level and are responsible for ensuring compliance with all applicable federal, state, and local environmental laws, and Postal Service policy.

1-7.3.2 Area Environmental Coordinators

Area environmental coordinators (AECs) are responsible for guiding implementation of the QAR program for the areas. They provide assistance to district offices and processing and distribution facilities in prioritizing and funding QAR activities. AECs work with regional EPA, state, and local

regulators to immediately resolve any significant noncompliance issues that have or may result in an enforcement action. Each AEC is responsible for the following:

- a. Developing annual environmental QAR quality assurance plans that identify the activities to be conducted and the funding required to support those activities each fiscal year (refer to Chapter 3).
- b. Overseeing the conduct of baseline compliance reviews.
- c. Reviewing corrective action plans developed by the facilities and district environmental coordinators to address noncompliance findings identified during reviews.
- d. Monitoring progress of corrective actions.
- e. Reporting significant QAR findings to the area office vice president.
- f. Developing and implementing awareness programs to encourage and facilitate compliance.
- g. Tracking compliance progress related to QAR findings for the area and reporting the results to Environmental Management Policy on an annual basis.
- h. Transmitting any policy concerns to Environmental Management Policy.

1-7.4 **Districts**

1-7.4.1 **District Managers**

District managers are responsible for ensuring compliance with applicable environmental laws and regulations. They must designate a district environmental coordinator to oversee the district's environmental programs. District manager is also responsible for determining the funding level required to support environmental QAR program activities within the district and reporting these requirements to the AEC.

1-7.4.2 **Office and Facility Managers**

Facility managers are another primary point of contact for district managers regarding environmental compliance and management of postal environmental programs. Designated by the district manager, facility managers are accountable for all environmental activities at all facilities under their supervision, including compliance with environmental laws and regulations. Facility managers have direct responsibility for conducting environmental compliance self-reviews on a periodic basis; developing and implementing corrective action plans to resolve noncompliance findings identified during baseline reviews, verification reviews, and self-reviews; and promoting environmental awareness in those involved in environmental activities at the site.

1-7.4.3 **District Environmental Coordinators**

District environmental coordinators (DECs) are the primary points of contact for district managers regarding compliance with environmental laws and management of Postal Service environmental programs. They guide the

district QAR program and serves as the district liaison to federal, state, and local environmental agencies and to the area office environmental coordinator with respect to environmental compliance issues. The DECAs are responsible for overseeing the conduct of verification compliance reviews; reviewing draft QAR reports and transmitting comments to the compliance review team leader in a timely manner; assisting facilities in the development of environmental compliance self-review procedures and methods; assisting facilities in the development and implementation of corrective action plans; and tracking closure of corrective actions and ensuring that closure dates are input to the automated QAR reporting module.

1-7.5 **Facilities Service Office**

The facilities service office environmental coordinators are responsible for ensuring that environmental due diligence reviews are conducted prior to the purchase or lease of new sites and/or facilities. They are involved in numerous environmental programs, such as USTs and asbestos, and consequently they are responsible for conducting program evaluations on a periodic basis. These environmental coordinators may be requested to serve as technical advisors to QAR teams.

1-8 **Related Postal Documents**

The following documents provide postal policy and guidelines that relate to the environmental quality assurance review process:

- a. Fleet Management Bulletin V-17-91, *Chlorofluorocarbon (CFC) Recycling Policy*.
- b. Management Instruction EL-810-94-3, *Asbestos-Containing Building Materials Control Program*.
- c. Handbook RE-6, *Facilities Environmental Handbook*.
- d. Management Instruction AS-550-95-9, *Underground Storage Tank Management*.
- e. Management Instruction AS-510-92-6, *Minimum Requirements for Specifications for Underground Storage Tank Systems*.
- f. Management Instruction AS-550-91-10, *Pollution Prevention Program*.
- g. Handbook AS-550, *Recycling Guide*.
- h. Management Instruction AS-550-91-11, *Clean Air Act Compliance*.
- i. Handbook AS-551, *Clean Air Act Compliance*.
- j. Management Instruction AS-550-92-2, *Waste Reduction*.
- k. Handbook AS-552, *Waste Reduction Guide*.
- l. Management Instruction MI-AS-550-92-7, *Stormwater Management*.
- m. Handbook AS-554, *NPDES/Stormwater Management*.
- n. Management Instruction MI-AS-550-92-8, *Hazardous Waste Management*.
- o. Handbook AS-553, *Hazardous Waste Management Guide*.

- p. Maintenance Management Order MMO-30-90, *Water Cooler Lead Level Testing*.
- q. Management Instruction EL-810-88-3, *Hazardous Materials Spill or Leak Standard Operating Procedures*.
- r. Management Instruction EL-830-81-6, *Asbestos Surveillance and Control in Vehicle Maintenance Operations*.

2 QAR Program Requirements

2-1 General

2-1.1 Program Goals and Objectives

The goal of an environmental management program is to prevent pollution and minimize risks associated with the operation and maintenance of postal facilities. Risks include health threats to employees, damage to the environment, and enforcement penalties for noncompliance.

A QAR program is a critical component of the Postal Service's overall environmental management program, designed to accomplish the following:

- a. Verify compliance with applicable statutes, regulations, and industry standards.
- b. Identify unregulated risks present at a facility.
- c. Provide data to measure how close a facility has come to achieving the goals and objectives of its ongoing environmental program.

2-1.2 Types of Facilities

The environmental compliance reviews described in this handbook apply only to large, high risk facilities, including the following: processing and distribution centers, bulk mail centers, vehicle maintenance facilities, auxiliary mail centers, and large associate offices/main post offices.

2-1.3 Types of Reviews

2-1.3.1 General

Four basic types of environmental reviews may be conducted at Postal Service facilities:

- a. Environmental regulatory compliance review.
- b. Environmental management systems review.
- c. Federal property transfer review.
- d. Pre-buy and lease site acquisition review.

2-1.3.2 Environmental Regulatory Compliance Reviews

The primary objective of an environmental regulatory compliance review or QAR is to evaluate regulated facility activities and operations and to determine the compliance status with respect to all applicable federal, state, and local environmental regulations.

Section 150 provides a brief description of the main environmental laws with which the Postal Service must comply and their application to postal operations and activities. Appendix B provides more detailed information on the federal environmental statutes. The complete texts of the federal environmental regulations are found in the *Code of Federal Regulations*, which is published annually, and in the *Federal Register*, which is published daily and includes any changes to existing regulations. A QAR must address state and local environmental statutes and regulations, particularly when they are more stringent or broader in scope than the related federal regulations. A QAR does not in any way replace regulatory inspections conducted by EPA, state, or local agencies.

A QAR should include the identification of unregulated practices that pose a serious threat to human health or the environment. It should identify potential hazards as well. EPA's policy recognizes that reviews "can result in better integrated management of environmental hazards, since [reviewers] frequently identify environmental liabilities which go beyond regulatory compliance."

Whether regulated or unregulated, often the most serious deficiencies identified during a QAR are those posing an immediate risk to human health and the environment. For example, used oil is not regulated under RCRA Subtitle C or in most state RCRA programs and could be handled, stored, and disposed of in a manner that poses potentially serious but unregulated environmental and health risks. Consequently, the Postal Service, whose vehicle maintenance facilities handle large quantities of used oil each day, has developed a QAR program requirement that goes beyond the scope of the applicable regulations. Measuring the extent of environmental risk is a difficult task, with often the only definable limits being *hazardous* and *safe*.

2-1.3.3 Environmental Management Systems Review

This type of review assures the quality of environmental management by verifying that appropriate and effective management systems are in place. The effectiveness of existing systems can be verified against successful management techniques used elsewhere in the Postal Service or other organizations.

An environmental management review can identify and evaluate the following:

- a. Facility practices that either promote or inhibit environmental compliance.
- b. The efficiency and effectiveness of existing standard operating procedures (SOPs) for environmentally sensitive activities or operations, and the appropriateness of developing new SOPs.

- c. The procedures established for complying with EPA and state environmental requirements.
- d. The level of integration of environmental management practices in ongoing activities at the facility.
- e. The adequacy of staffing and funding to accomplish the environmental responsibilities at the facility.

2-1.3.4 Federal Property Transfer Reviews

Environmental reviews are conducted by the Postal Service (Facilities) before selling its land to nonfederal parties or transferring property to other federal agencies based on guidance provided in Handbook RE-6, *Facilities Environmental Handbook* (section 672). The purpose of the reviews is to identify property on which hazardous substances (as defined in CERCLA) have been either released, disposed of, or stored for 1 year or longer. These provisions must be stated in the deed. This policy is pursuant to section 120(h) of CERCLA, whose purpose is to identify potential environmental problems. If a problem is identified, an investigation and testing must follow, with development of a cleanup plan if needed. The land then is transferred pending a successful cleanup.

The potential burden of the CERCLA property transfer review process may be eased by maintaining postal facilities in compliance with environmental regulations and documenting their compliance status in periodic review reports.

2-1.3.5 Pre-Buy and Lease Site Acquisition Reviews

Determining the environmental costs of a property transaction is part of the "due diligence" process that both the buyer and seller are obligated to complete. As a result of the high costs specific to the cleanup of contaminated property and UST spills and leaks, buyers of real property have become sensitive to the potential for expensive site remediation. General guidelines for Postal Service site acquisition review procedures can be found in Chapter 6 of Handbook RE-6, *Facilities Environmental Handbook*. The American Society for Testing Materials also has released guidelines.

2-1.3.6 QAR Guide Limitations

This handbook focuses on the environmental regulatory compliance review, which includes review of unregulated risks and liabilities. While compliance reviews often identify environmental management systems deficiencies, which should be noted in the QAR report, the focus of the compliance review is to determine the facility compliance status with existing regulatory requirements.

Accordingly, this handbook does **not** do the following:

- a. It does **not** detail the operation of a comprehensive management systems review, which involves a broad evaluation of a facility's environmental program.
- b. It does **not** address worker health and safety reviews conducted to determine a facility's compliance status with federal and state regulations. Health and safety reviews focus on risks to employees from unsafe workplace practices, rather than from environmental risks. Though an environmental regulatory compliance review may address some worker health and safety issues (such as asbestos or radon), in general health and safety reviews should be performed by a certified industrial hygienist knowledgeable and experienced in evaluating chemical, physical, biological, and ergonomic factors in the workplace. During the course of a QAR, the team may observe occupational health or safety problems that pose an immediate or imminent threat to facility staff. The team should communicate these observations quickly to the facility health and safety officer and document them for facility management.
- c. It does **not** provide review checklists for environmental management systems reviews, federal property transfer reviews, or pre-buy and lease site acquisition reviews. However, the general process described in this handbook for conducting regulatory compliance reviews can be used for conducting the other types of reviews identified above.

2-2 Types of QAR Compliance Reviews ---

2-2.1 Responsibility

One of the responsibilities of Environmental Management Policy is to evaluate and report on the progress of national compliance with all applicable environmental laws and regulations. In support of this requirement, Environmental Management Policy will conduct 40 environmental compliance reviews each year, four in each of the 10 areas. The area environmental coordinators will assist Environmental Management Policy in selecting which facilities will be reviewed each year. These reviews will be comprehensive and address all of the applicable environmental pollution control programs identified in Exhibit 1-4.2 to determine compliance with federal, state, and local regulations, and Postal Service policy.

2-2.2 General Types of QARs

Three general types of QARs will be conducted at large, high-risk postal facilities: baseline reviews, verification reviews, and internal self-reviews. Environmental Management Policy at Headquarters or the area environmental coordinators can provide assistance in identifying program requirements for each type of review.

2-2.2.1 **Baseline QARs**

The purpose of a baseline QAR is to conduct a comprehensive evaluation of the environmental compliance status of all facility areas for all applicable regulatory and pollution control programs (see Exhibit 1-4.2). The baseline review should identify unregulated practices that pose a risk to human health or the environment.

A baseline QAR should be performed by a team of qualified individuals external to the facility. The diverse number of environmental programs typically reviewed may require contractor support. Area environmental coordinators are responsible for overseeing the conduct of baseline reviews with assistance from the district environmental coordinators.

2-2.2.2 **Verification Reviews**

The purpose of a verification review is to check a facility's progress in achieving compliance based on the results of the previous baseline review. This includes evaluating progress in implementing corrective actions. The verification review should identify noncompliance issues that continue to be problematic and to determine the reason for continuing noncompliance.

Verification reviews are conducted by a review team external to the facility composed of trained postal employees and/or qualified contractors. The results of the verification review are not to be used as a heavy-handed method for evaluating the performance of the facility but to assist the facility (and other facilities that have similar compliance issues) in achieving and maintaining compliance. This may involve the development and implementation of guidance tools or environmental management systems. District environmental coordinators are responsible for conducting and overseeing verification reviews.

2-2.2.3 **Internal Self-Reviews**

The internal self-review is to focus on facility areas and regulatory programs that require more frequent review to ensure the facility maintains its compliance status. This also provides the facility with the opportunity to evaluate the effectiveness of environmental management systems and provides the facility manager with a general picture of the overall compliance status of his or her operations.

The self-review generally lacks the objectivity and specificity of a review conducted by an outside team. However, despite this limitation, all facilities are encouraged to perform self-reviews.

Vehicle maintenance facilities may want to implement a self-review QAR program in coordination with the model checklist being used. Other large facilities may consider conducting environmental compliance self-reviews in conjunction with the annual safety and maintenance checklist.

2-2.3 Programmatic Reviews

In certain circumstances, a more focused review is appropriate. The programmatic review assesses a single regulatory or pollution control program on an area-wide basis to identify commonly occurring noncompliance issues that present a significant risk. The advantage of this review approach is that it can focus limited resources on identifying and correcting noncompliance issues that have a high liability risk. While it is useful to evaluate environmental compliance on a programmatic level, it is important that facilities achieve and maintain compliance with all applicable environmental laws and regulations.

2-3 Frequency of QAR Reviews

2-3.1 General

Although there is no officially mandated frequency for conducting environmental regulatory compliance reviews at individual facilities, EPA recommends conducting reviews periodically, over time, rather than only once. Facilities also may want to consider alternating an internal self-review with a scheduled EPA or state enforcement inspection. The frequency also depends on the facility type and takes into consideration three basic criteria: environmental risk, the amount of known environmental liabilities, and staffing constraints.

2-3.2 Environmental Risk

The level and type of risks present at a facility are important factors in determining how frequently a review should be performed. For example, the potential risks associated with a facility using large volumes of highly toxic or hazardous chemical materials are far greater and warrant more frequent environmental QARs than a facility with principally administrative functions, where a simple initial compliance review may be adequate. In general, the risk level of a facility is determined by several factors, including:

- a. Size.
- b. Geographic location, including proximity to population centers.
- c. Relationship to environmentally sensitive areas.
- d. Complexity of the activities and operations.
- e. Volume and characteristics of emissions, effluents, or stored materials.
- f. Whether problems of a serious nature have been found at the facility
- g. Past compliance history.

2-3.3 Staffing Constraints

The frequency of conducting QARs at a given facility may depend on the availability of qualified personnel to conduct the review. For example, the QAR program within a given area office may require the review of 50 or more

facilities, some of which may be fairly large, with complex operations. If only two or three Postal Service staff members are responsible for conducting QARs, it may be impossible to conduct a compliance review at a facility as frequently as necessary unless additional Postal Service staff are assigned to the task. In such situations, area offices should consider supplementing postal personnel trained to conduct QARs with assistance from a qualified outside contractor. Some states may require specific licenses, certifications, or necessary training to conduct reviews.

2-3.4 **Baseline Reviews**

Baseline reviews must be conducted every 3 to 5 years. It is the responsibility of the area office coordinators to schedule and oversee the conduct of the baseline reviews with assistance and input from the district environmental coordinators.

2-3.5 **Verification Reviews**

The frequency for conducting verification reviews is determined by the district environmental coordinators with input from the area office. It is facility-specific and based on two factors: the risk criteria identified in section 232 above, and the results of the baseline review. For example, verification reviews should be conducted more frequently at facilities where a baseline review identified numerous significant noncompliance findings, compared to a facility where fewer, less serious noncompliance findings were found. A recommended frequency for conducting verification reviews is every 3 years.

2-3.6 **Self-Reviews**

Internal self-reviews are to be conducted periodically based on the expectation of environmental liability, specific compliance concerns, and the staffing constraints of each facility. It is recommended that facilities conduct self-reviews frequently enough to ensure that they maintain compliance with all major environmental regulatory programs.

2-4 **QAR Recordkeeping**

2-4.1 **General**

Recordkeeping requirements for environmental compliance reviews can be divided into two categories: legal and corporate.

2-4.2 Legal Requirements

The following legal requirements apply to QARs:

- a. A QAR conducted as a requirement in enforcement settlements must be retained as long as the enforcement settlement is in effect.
- b. A QAR report produced as part of a consent decree must be kept as long as the other parties to the consent decree retain their copies; however, it is postal policy to retain such reports for as long as the Postal Service owns the facility.
- c. Any information that must be retained for stipulated periods as a requirement of an environmental regulation still must be retained, even though the information is included in a QAR report. For example, if a quarterly report on the inspection of PCB transformers is included in an environmental QAR report, the original report must be retained for the period stipulated in the regulation, even if a decision is made to destroy the review report itself. Field counsel can provide guidance on how to proceed with resolving Class I findings (refer to section 4-4.4.2 for a description of Class I findings).

2-4.3 Corporate Requirements

All final environmental QAR reports must be filed by the area office environmental coordinator. It is recommended that the report, or a copy placed on electronic medium, be retained for at least 5 years after conduct of the QAR or after termination of a lease or the disposal of Postal Service property.

2-5 Use of QAR Results ---

2-5.1 General Security

An environmental compliance review can generate significant amounts of sensitive information. The review team must make its observations, findings, or recommendations as objective as possible. QAR records are held at the facility and by the area environmental coordinator.

Internal report distribution is limited to those people with a “need to know,” including the following:

- a. The area office vice president.
- b. The area office environmental coordinator.
- c. The district manager.
- d. The district environmental coordinator.
- e. The manager and environmental coordinator of the facilities service office.
- f. Headquarters Environmental Management Policy.
- g. Legal counsel.

2-5.2 Release of QAR Results to Outside Agencies

The area office environmental coordinators, the facilities service office environmental coordinators, and representatives from Environmental Management Policy are responsible for coordinating, with legal counsel, the release of QAR results to outside agencies. Internal reviews of the nature described above generally are not provided to regulatory agencies or state authorities. However, in certain instances, the information generated in a QAR report is otherwise reportable or accessible to EPA, even if there is no explicit requirement to generate the data. Moreover, certain QAR findings must by law be reported to government agencies. Examples include active spillage of regulated substances over a certain volume into the environment (that is, into a navigable waterway, the atmosphere, or the earth).

2-5.3 Freedom of Information Act Requests

2-5.3.1 Requirements

The Freedom of Information Act applies to the Postal Service, and the implementing regulations are found at 39 CFR Part 265 and at section 352 of the Postal Service's *Administrative Support Manual*. The Freedom of Information Act and postal regulations also govern disclosures of Postal Service environmental QAR information requested by the public. The custodian of a requested record is the person responsible for determining whether to comply with or deny a Freedom of Information Act request. For purposes of environmental QAR records, the head of the reviewed postal facility is the custodian.

2-5.3.2 Coordination

All Freedom of Information Act requests for environmental QAR information must be coordinated either with the area office environmental coordinator or the facilities service office manager, depending on whether the request is for a review of postal operations or a property transfer review. A custodian should not release or deny a request for a copy of an environmental QAR report, checklist, or area office report before obtaining advice from legal counsel.

2-5.4 Draft Review Reports

To the extent that draft copies of QAR results are predecisional in nature and demonstrate the organization's deliberative processes, they should be exempt from release under the Freedom of Information Act. Furthermore, QAR reports ordered by legal counsel in connection with prospective litigation are normally protected from public review under the attorney-client and work product privileges.

2-6 Noncompliance Reporting Requirements

2-6.1 Findings of Noncompliance with Environmental Laws

2-6.1.1 Reporting

Many state regulations require a regulated entity to notify the state when that entity has “reason to believe” that environmental contamination has occurred. Clearly, if a QAR reveals that contamination has occurred, notification is required. Under most state notification laws, a consultant conducting a review is not legally required to notify the state. Once a postal official knows that a potential regulatory violation or risk exists, he or she is legally obligated to notify the appropriate authorities and, in some cases, to take immediate action to rectify the situation.

2-6.1.2 Emergency Situations

In cases where spills or releases to the environment are discovered during the review, it is the responsibility of the facility manager to take appropriate action, including reporting to the National Emergency Response Center and to state and local environmental agencies and securing appropriate postal resources to rectify the problem. The facility manager should consult with the district environmental coordinator or the area office environmental coordinator to ensure proper response.

If a release or spill is discovered during a property transfer review conducted under CERCLA Section 120 (h), it is the responsibility of the facilities service office environmental coordinator to take appropriate action, including reporting to the proper federal, state, and local government agencies. (A management instruction on spill notification is forthcoming.)

2-6.1.3 Nonemergency Situations

In nonemergency situations (those not involving a threat to human health and safety or to the environment), it is the responsibility of the district environmental coordinator or the facilities service office environmental coordinator, in consultation with the area office environmental coordinator, to report violations as required by law to the appropriate environmental authorities.

2-6.2 Consequences of Noncompliance with Environmental Laws

2-6.2.1 Federal Enforcement

The Postal Service must comply with applicable federal environmental laws, and EPA is charged with using its available enforcement mechanisms to ensure compliance by federal facilities. Federal environmental statutes require that the facilities of the U.S. government comply with federal, state,

and local pollution control requirements. There are, however, certain limitations and differences in terms of the types of enforcement actions EPA can take against federal facilities versus those actions it can take against private sector organizations.

EPA's enforcement response, except for solid and hazardous wastes, to the Postal Service differs somewhat from its enforcement against nonfederal parties in that it is purely administrative and provides neither for civil judicial action nor assessment of civil penalties. This response does not apply to statutory enforcement actions taken by states. Although EPA cannot assess civil penalties against the Postal Service, it can impose sanctions against individual employees at postal facilities for alleged criminal violations of environmental statutes. EPA can assess penalties against the Postal Service for violations of the solid and hazardous waste laws.

EPA's enforcement approach for federal facilities emphasizes the importance of negotiated responses for the correction of violations and schedules for corrective actions formalized through compliance agreements or consent orders, depending on program authorities and guidance. When agreement cannot be reached on all issues in a timely manner, EPA must promptly use all available enforcement and dispute resolution mechanisms to effectively resolve areas of disagreement. Further details on EPA enforcement actions and dispute resolution mechanisms can be found in *Federal Facilities Compliance Strategy* (EPA, 1988).

2-6.2.2 State Enforcement

States with delegated or authorized federal programs have primary responsibility for responding to violations at federal facilities under most of the environmental statutes. Exceptions include toxic chemical control under the Toxic Substances Control Act and enforcement of certain motor vehicle requirements under the Clean Air Act and its amendments. Most EPA statutes assume that states with adequate authority and capability will undertake operating responsibility for environmental programs, including enforcement at postal facilities. As a result, states generally may exercise a broader range of authorities and enforcement tools than EPA to address violations at postal facilities. States can file suit against the Postal Service for alleged violations of environmental laws. They also can fine the Postal Service for violations of the solid and hazardous waste laws.

2-6.2.3 Postal Service Liability

As a generator of hazardous waste, the Postal Service is liable for the assessment and cleanup of wastes that are improperly handled by contractors. Postal facilities that use contractors for offsite disposal, treatment, or storage of hazardous wastes are responsible for ensuring that these contractors are properly licensed and certified and are handling the wastes in an environmentally sound manner.

2-6.2.4 **Personal Liability**

A postal employee who has knowingly or willfully violated a federal environmental statute has no immunity from federal criminal enforcement. The Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act contain provisions in which certain negligent acts also can be construed as criminal violations. The consequences of criminal violations are more severe than those for civil violations. Depending on the environmental law at issue, criminal violations of environmental laws may be either misdemeanors or felonies, punishable by a fine of up to \$50,000 per day or per violation, or by imprisonment for up to 15 years, or both.

2-6.3 **Types of Enforcement Actions**

2-6.3.1 **General**

Under the laws EPA administers, the wide array of possible enforcement actions can be grouped under levels of action, differing in severity and in the scale of agency resources required. A given violation may be handled by actions at more than one level. If a lower level response fails to get results, EPA must use a higher level action.

2-6.3.2 **Informal Responses**

Informal responses are administrative actions that are advisory in nature, such as a notice of noncompliance or a warning letter. In these actions, EPA or the state advises the customer services district manager or processing and distribution facility manager what violation was found, what should be done to correct it, and by what date the corrective action should be taken. Though informal responses carry no penalty, if ignored they can lead to more severe actions.

2-6.3.3 **Formal Administrative Responses**

Formal administrative responses are legal orders that are independently enforceable and that require the recipient to take some corrective or remedial action within a specified time period, require the recipient to refrain from certain behavior, and require future compliance. These administrative actions are strong enforcement tools. If a person violates an order, EPA may obtain a U.S. court order to force compliance.

2-6.3.4 **Civil Judicial Responses**

Civil judicial responses, formal lawsuits taken in state court systems, are used for more serious violations or to seek prompt correction of imminent hazards that pose an immediate threat to human health or the environment. DOJ does not file civil judicial suits against other federal agencies; a state or a citizen could file suit against the Postal Service.

2-6.3.5 **Criminal Judicial Responses**

Criminal judicial responses are used when a person or entity has knowingly and willfully violated the law. In a criminal case, DOJ prosecutes an alleged violator in the U.S. court system, seeking criminal sanctions, usually including fines and imprisonment. States enforce criminal statutes through the state court system. Criminal actions are often used to respond to flagrant, intentional disregard for environmental laws (such as “midnight dumping” of hazardous wastes) and deliberate falsification of documents or records.

2-6.4 **Fines and Penalties**

The potential consequences of environmental noncompliance include fines and penalties levied by state agencies. These penalties can cost millions of dollars if a \$10,000 or \$25,000 per day violation occurred over a long time period (common for National Pollutant Discharge Elimination System, Toxic Substances Control Act, and Clean Air Act violations). Penalties are often severe when EPA or the state determines that the monetary reasons for not correcting noncompliance can be identified as the cause of the knowing or willful behavior. Cost avoidance is frequently the basis for some of the large, publicized fines. Additional fines and legal fees can occur if citizen suits are brought for violations on which state environmental agencies failed to act.

3 Area Office Quality Assurance Plans

3-1 General

The QAR program is an ongoing process. Its effectiveness depends on adequate financial and staff resources to conduct the required work in a timely manner. To ensure that adequate resources are available, program planning must be conducted on a periodic basis to identify the activities and associated resources needed to meet the program goals and objectives.

During the planning and budgeting period preceding each fiscal year, area office environmental coordinators must develop an annual quality assurance plan (QAP) that identifies the facilities to be reviewed and follow-up activities to be conducted during the fiscal year and the necessary resources for those efforts. The annual plans and associated budgets should be developed with input from the district environmental coordinators.

The QAPs assist the area and district environmental coordinators in:

- a. Determining what activities can reasonably be accomplished in the next fiscal year.
- b. Prioritizing those activities based on available financial and staff resources.
- c. Determining if adjustments to the program goals and objectives are needed based on whether the previous year's QAP objectives were met.

The QAPs also help Environmental Policy Management to identify the total annual funding requirements needed to sustain the environmental QAR program and funding shortfalls. The resources needed to support the program will change over time depending on the frequency and scope of compliance reviews and improvements in the compliance rate of facilities.

3-2 Elements of the Quality Assurance Plan

3-2.1 Activities to Be Conducted

The annual quality assurance plan must identify requirements for conducting environmental compliance reviews and activities related to correcting noncompliance findings. The plan should contain the following information:

- a. Conducting environmental compliance reviews:
 - (1) Names of facilities where reviews are to be conducted.

- (2) Type of review to be conducted at each facility (i.e., baseline review, verification review, self-review).
- (3) Environmental programs to be addressed at each facility review.
- (4) Compliance reviews that require contractor support.
- b. Correcting noncompliance findings:
 - (1) Names of facilities where corrective actions are to be conducted.
 - (2) Equipment that must be purchased to correct a noncompliance finding.
 - (3) Equipment that should be purchased as a pollution prevention measure or good management practice.

The activities to be completed during the fiscal year should realistically reflect the available financial and human resources that can be applied to the task.

3-2.2 **Schedule**

The annual plan must contain a schedule that indicates which facilities will be reviewed during each quarter of the fiscal year. It must also identify the facilities where corrective actions are to be conducted during the fiscal year to address noncompliance findings identified from previous environmental compliance reviews.

3-2.3 **Budget**

Funding for the environmental compliance QAR program must be secured at the area office and district levels.

The annual plan must contain an accounting of the financial resources necessary for the projected effort. This should include the financial resources required for each of the following:

- a. Consultants to conduct QARs.
- b. Consultants to implement corrective action plans.
- c. Projected staff hours of internal resources needed to conduct environmental compliance reviews and implement corrective actions.
- d. Equipment needed to correct noncompliance findings and address pollution prevention opportunities and best management practices.

3-3 **Submission and Approval of Plans**

All area office environmental QAR plans are due at the beginning of each fiscal year and must be submitted to Environmental Management Policy at Headquarters. Environmental Management Policy must evaluate the plans and act in an advisory and coordinating role regarding the strategies being proposed and the training required.

4 QAR Process

4-1 General

A typical compliance review consists of the following three phases: pre-review phase, onsite visit phase, and post-review phase.

Exhibit 4-1 outlines the general QAR process.

4-2 QAR Team

4-2.1 General

A QAR team must be assembled early in the planning process.

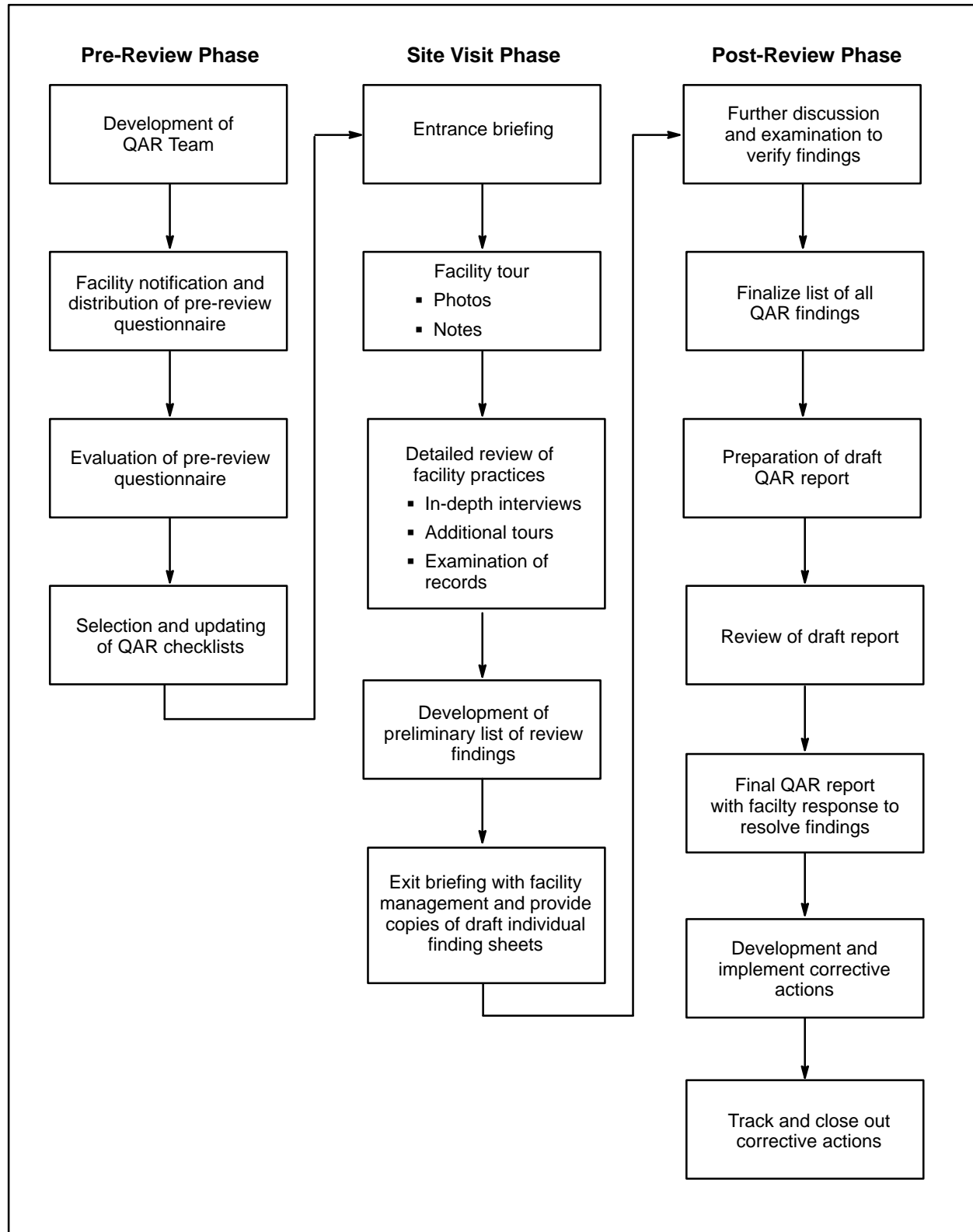
4-2.2 General Skills and Qualifications

4-2.2.1 Team Skills

Two sets of factors must be considered when assembling a review team: the overall expertise of the team and specific skills of individual team members. The review team, as a group, must possess most of the following skills and expertise:

- a. Working knowledge of the environmental pollution control statutes and regulations.
- b. Collective knowledge and experience in the efficient and effective operation and management of relevant Postal Service facilities.
- c. Skills in gathering objective evidence, collecting and analyzing information, and diplomatic interviewing.

Exhibit 4-1

The Environmental Compliance Quality Assurance Review Process

4-2.2.2 Team Members

The individuals composing the team may vary, depending on the type of review:

- a. For baseline and verification reviews, the QAR team consists of personnel external to the facility under review. Depending on the resources available, the team may be composed solely of environmental consultants or any combination of postal personnel and consultants.
- b. For self-reviews, the QAR team consists primarily of internal personnel from the affected facility and may occasionally include postal staff from the district office.

4-2.2.3 Team Leader

Each review team must have a designated team leader who actively participates in all phases of the QAR process. The team leader is always a Postal Service employee irrespective of the remaining composition of the QAR team members. In general, the district environmental coordinator assumes this responsibility.

The essential roles of the team leader are as follows:

- a. To staff the team.
- b. To manage, coordinate, and oversee QAR team activities.
- c. To function as the liaison between the facility management and the QAR team.
- d. To act as the point of contact with area or Headquarters personnel should there be the need for compliance dispute resolution during the onsite assessment.

4-2.2.4 Team Member Skills and Qualifications

It is possible to use personnel from many areas within the Postal Service as long as they are properly briefed on the facility to be reviewed and are trained in the skills listed in this subsection. Training for reviewers should be ongoing and timely so that review procedures and techniques are kept current. An individual team member's professional background should include the following:

- a. Legal and regulatory experience to understand environmental rules and regulations, including permits, registrations, recordkeeping, authorizations, monitoring, and other requirements related to a specific facility.
- b. Facility management and operations expertise to understand the type of facility being reviewed and the specific operations and processes employed at that facility.
- c. Knowledge of and experience in the compliance review process and its verification techniques.

4-2.3 Team Coordination

4-2.3.1 General

The team leader must structure the schedule of reviews to ensure that the QAR team does not overwhelm or repeatedly interfere with any part of the facility. For example, it is usually more efficient and cost-effective at a smaller facility to assemble a small team and take an additional day to carry out the review than to attempt to do everything in 1 day with a large team. The small team approach may help eliminate duplication of effort by separating team members and reducing the number of individuals needing the attention of facility management. Larger facilities, where team size is not an issue, may wish to split team members into groups with interests in the same facility operations. This approach reduces the potential intrusiveness or duplicative nature of the inspection and interview phase while it maintains the completeness of the review.

4-2.3.2 Before the Onsite Visit

Each team member must have a clear understanding of the facility operations under his or her review, the focus of interviews to be performed, and the regulatory requirements expected to apply to the facility.

The team should submit a detailed tentative schedule of team activities to the facility the week before arriving onsite: where they want to be, who they wish to interview, and what they intend to discuss. Review of this information by the facility before the team arrives helps identify and resolve potential scheduling conflicts up front and assists Postal Service facility personnel prepare for the inspection and interview process.

4-2.3.3 During the Onsite Visit

The team leader and individual team members must develop and maintain a good working relationship with facility personnel. Reviewers must overcome the perception that they are intruding by setting a tone that is professional, courteous, and nonconfrontational.

Requests for information should be direct and loose ends tied up before the review team leaves the facility.

The facility manager or representative should accompany each review team group or member to answer questions about operations and to assist in contacting facility personnel about unforeseen changes in the tentative schedule.

4-2.4 Staffing Considerations

4-2.4.1 General

Adequate staffing of the QAR team may be a serious problem that could delay the start of a QAR. Consideration should be given to using a combination of area office and district staff for the QAR team for baseline and

verification reviews. To ensure as much impartiality as possible during the review process, baseline and verification team members should be external to the facility being reviewed.

Staffing options to be considered should include the following:

- a. Identifying competent and qualified members within the Postal Service's various organizations, such as management staff from other facilities, the Facilities Department, or maintenance overhaul and technical service centers, or a representative from the General Counsel's office.
- b. Using outside contractors for expertise not available internally.
- c. Combining Postal Service and contractor expertise to balance the need for specific expert skills and for Postal Service familiarity with environmental policies and management.

4-2.4.2 Personnel Considerations

Postal Service personnel selected to conduct QARs must be properly trained. The use of mixed teams (i.e., postal staff and consultants) allows for on-the-job training.

The benefits of using postal staff as team members are as follows:

- a. Staff members gain valuable training that they can apply to their own facilities.
- b. Experience within the Postal Service is useful in recognizing complex compliance problems that are unique to the organization.
- c. If postal staff members are assigned to other facilities for their normal employment, they are more likely to be objective than staff from the facility being reviewed.

4-2.4.3 Environmental Review Consultants

The benefits of using consultants as team members are as follows:

- a. Costs for training consultants are borne by the consultant and not by the hiring organization.
- b. The reviewer probably will have seen a wide range of problems in various industries.
- c. Independence or the lack of bias in the review process is augmented: the findings are less likely to be influenced by the Postal Service's desire to look good and there is less of a tendency to accept "the way we do things at this facility" as the only option for instituting environmentally sound operations.
- d. Large jobs can be managed easily (for example, conducting 25 facility reviews in 1 or 2 months).

Consultants must have a proven background in conducting environmental compliance reviews and must be instructed on postal operations if they have no prior experience with the Postal Service. Some degree of postal staff participation on the team enhances the success of the review. The area offices and the facilities service offices should be contacted to help identify consultants capable of performing compliance reviews.

There are no approved federal standards for judging qualified environmental compliance reviewers. However, numerous firms throughout the United States specialize in environmental regulatory compliance reviews.

When choosing a consulting firm, postal managers must consider the following:

- a. The market for QARs is so strong that many firms that have entered the field may not have the specific skills needed to complete the type of review required by the Postal Service.
- b. Postal managers should be wary of firms whose principal business is limited to one aspect of environmental consulting — for example, air modeling, hydrogeology, or engineering.
- c. The review process is multidisciplinary, with a heavy emphasis on understanding environmental laws and regulations, and the disciplines of environmental engineering, air pollution, water pollution, and hazardous waste management.
- d. Firms that routinely conduct QARs are preferred, especially if they have a broad interdisciplinary staff sensitive to the unique aspects of postal facilities.
- e. The hiring of a consultant must not create a conflict of interest.

4-3 Pre-Review Phase

4-3.1 Notice of Impending QAR

The facility at which a QAR is to be conducted should be notified by the area or district environmental coordinator at least 2 months in advance. Advance warning by the review team gives the subject facility the time to improve housekeeping, organize environmental records, and provide environmental awareness to all employees. Wherever possible, direct telephone communication between the area office environmental coordinator and the facility manager should be established before releasing the notice of impending review.

The notification should be accompanied by a description of the review's scope and a pre-visit questionnaire that identifies documents that need to be reviewed by the QAR team prior to conducting the onsite visit. The pre-visit questionnaire is to be completed by the facility and returned to the QAR team leader no later than 4 weeks before the review is to take place.

4-3.2 Pre-Visit Questionnaire

A sample of a pre-visit questionnaire is provided in Appendix C. The review team members may amend this questionnaire based on specific knowledge they may have about the facility or the type of review to be conducted. The questionnaire should identify any records or documentation (e.g., standard

operating procedures, past QAR or federal or state inspection reports, and facility layout maps) that the team needs to review prior to conducting the onsite visit.

The results of the questionnaire allow the team to become familiar with the subject facility, identify specific facility areas and operations that should be inspected, prepare facility personnel for the QAR, and make the QAR process more efficient by reducing onsite office time and allowing more time for the facility tour.

The facility must fill out the questionnaire and return it with available requested documents to the team at least 4 weeks before a QAR is to be conducted. The team needs the completed questionnaire in advance to allow time to tailor the QAR checklists (discussed below in section 4-3.4) based on the types of activities and operations identified in the questionnaire.

4-3.3 Pre-Review Evaluation

Using the information contained in the completed pre-visit questionnaire, the team determines the activities that are subject to environmental regulations. It is important to review other forms of documentation returned with the questionnaire at this time. In addition, a search should be made of the Facilities Management System (FMS) operated by the Facilities Department for information on buildings, USTs, lease terms, and the size of the property.

It is possible that the completed questionnaire may not identify all potential regulated activities at the facility. The team should be prepared to evaluate all regulated and unregulated activities at a facility that pose a risk to human health and the environment.

After completing the pre-review evaluation, the QAR team has a basic understanding of the processes and areas of concern. With this information, the team divides the work load and plans the remainder of the review. When a multimedia review is to be conducted, each member of the team may take responsibility for one or more regulatory program areas, such as hazardous waste management (RCRA Subtitle C) or air pollution (the Clean Air Act). This approach is also recommended for facilities with multiple buildings. It is difficult for any one person to be knowledgeable enough to be able to cover all regulatory programs. Furthermore, assigning each team member specific regulatory programs minimizes duplication of efforts by the QAR team.

4-3.4 QAR Checklists

The next and most important aspect of the QAR program is the development of facility-specific checklists for each regulatory or pollution control program to be addressed during the review. Appendix D, published separately, contains checklists for 19 regulatory or pollution control programs. Exhibit 1-4.2 includes a list of the regulatory or pollution control programs covered by the checklists.

It is important to note that the checklists in Appendix D address only federal regulations and Postal Service policy and guidance. It is the responsibility of the district environmental coordinator to ensure that the checklists have been

properly modified to address applicable state regulations with relevant county and local regulations. An electronic disk copy of the checklists in Microsoft Word 6.0 is provided in Appendix D, (published separately), to allow QAR team members to modify and update the checklists as necessary.

When a QAR is to include an evaluation of compliance with state, county, or local regulations, the team needs to obtain and review the applicable regulations and modify the checklists as required. At the same time, the QAR team needs to determine if there have been any changes to existing, or publication of new, federal environmental regulations and Postal Service policy. (Appendix B contains a listing of the federal environmental statutes currently in place and a cross-reference to specific *Code of Federal Regulations* citations.) The checklists may need to be updated based on the results of this review. If the checklists in Appendix D, (published separately), have been modified to include state, county, or local regulations, or updated to address changes in federal regulations and Postal Service policy, the amended checklists must be submitted to the area office environmental coordinator for review of content and format at least 1 month before a QAR is conducted.

The introduction to each checklist in Appendix D includes a list of key definitions, applicable federal environmental regulations and laws, and applicable Postal Service policy and guidance. Provided as attachments at the end of most checklists are the following:

- a. Summary of Significant Findings. This form lists all compliance findings relevant to the specific checklist.
- b. QAR Recordkeeping Checklist. This is a list of records, reports, and other documentation that the QAR team member should obtain and review, if appropriate for the specific facility.
- c. Onsite Tour Checklist. This form identifies physical features and facility areas or operations that should be inspected during the onsite tour of the facility.

4-4 Site Visit Phase

4-4.1 Entrance Briefing

The QAR team leader holds and leads an entrance briefing at the beginning of the onsite visit. All team members and facility personnel responsible for environmental compliance attend.

The briefing should provide an opportunity for the following:

- a. The team leader to inform facility personnel of the QAR objectives, scope, approach, expected schedule of activities, and an overview of the regulatory or pollution control programs applicable to the facility.
- b. The facility staff members to present their environmental program, including the strengths and weakness and any problem areas for the team to consider while conducting the review.

- c. The training to be provided to the facility on the automated PEPMIS (PC-based) QAR reporting system, if it is to be used during the review (see section 4-4.4.4).
- d. The team members to become familiar with the individuals responsible for environmental compliance and answer their questions.
- e. The time and place for the exit briefing to be scheduled.

4-4.2 Facility Tour

The facility tour varies with the size, number, and diversity of operations. The main objective of the tour is for the QAR team to become familiar with the physical plant environmental control equipment and potentially regulated sources of pollution. When conducting multimedia reviews, it is most efficient to examine each area of the facility in an integrated fashion rather than as separate categories or media, such as air, water, or hazardous waste.

Included with most of the checklists in Appendix D is an On-Site Tour Guideline that identifies physical site features and facility areas or activities that should be inspected during the facility tour. Team members must note those areas that require a return visit for a more detailed inspection during the site visit.

4-4.3 Detailed Assessment of Facility Practices

The team conducts detailed interviews with onsite and offsite personnel, reinspects areas of particular concern, and examines records, permits, and applicable reports.

Using the checklists, the team should:

- a. Use the appropriate checklists provided in Appendix D, (published separately), answer **all** questions, and complete any attachments provided with the checklist.
- b. Note all suspected compliance deficiencies and problems and record these on the Summary of Significant Findings form provided as an attachment to each checklist.
- c. Keep the completed checklists as part of the QAR documentation.
- d. Ensure that entries made on the checklists are legible and understandable so that future personnel will be able to refer to the material.

4-4.3.1 Review of Records

A recordkeeping review must confirm that legally required records are available and up-to-date. For example, the reviewer must confirm that facility air permits are available for the sources identified; that waste manifests are available; that NPDES records are available for the period required by the regulation; and that testing, inventory and registration records for a UST system are up to date.

The team must not review regulatory permits or certificates simply to confirm that they exist; team members must read them carefully. Even if the regulatory agency has shown no interest in a facility's violations of environmental standards, the reviewers must find out if permit conditions are being met.

4-4.3.2 Internal Management Controls

The review team must gain an understanding of how environmental operations are managed. This includes understanding the facility's programs, procedures, and staff responsibilities for each regulatory or pollution control program covered. The team should determine whether the management staff members have developed performance standards for evaluating facility environmental compliance. This may include benchmarking and the issuance of written policies concerning environmental management standards.

4-4.4 Preliminary List of QAR Findings

4-4.4.1 General

At the larger Postal Service facilities, it may take several days for the team members to complete their review. At the end of each day, the team members should summarize their results by comparing the data obtained to the regulatory requirements. They should compile a list of draft findings for each regulatory or pollution control program investigated.

For each finding identified, the team members should provide the following:

- a. A description of the finding.
- b. The relevant statute (e.g., RCRA Subtitle I).
- c. The relevant section of the regulation (e.g., 40 CFR 280.40) and a summary of the section.
- d. The type of regulation (federal, state, local, or Postal Service policy).
- e. The risk classification category (i.e., Class IA, IB, II, III, IVA, or IVB).
- f. The Reason for Finding code.
- g. A recommended corrective action.

Exhibit 4-4.4.1 shows an example format for reporting this information for each preliminary finding.

4-4.4.2 Risk Classification of Findings

A risk classification category is assigned to each finding to assist in prioritizing the budgeting and scheduling of needed corrective actions. The risk classifications are as follows:

- a. **Class I:** The facility is currently in violation of a federal, state, or local regulation or law and enforcement action could be taken against the facility.

There are two subclasses:

- (1) *Class IA*: Non-compliance finding that poses a potential danger to human health and/or the environment (e.g., a 55-gallon drum of waste solvents is found to be leaking and uncontrolled).
 - (2) *Class IB*: Administrative non-compliance (e.g., a UST was not re-registered with the state agency).
- b. **Class II**: The facility will be out of compliance in the future with federal, state, or local regulations (e.g., a permit application is to be submitted in 1 month).
 - c. **Class III**: The facility is not operating in accordance with Postal Service policy but is in compliance with federal, state, and local regulations (e.g., a UST management plan has not been developed).
 - d. **Class IV**: Pollution prevention opportunities that the facility could implement to reduce waste generation and increase waste recycling and that are not required by regulation or policy.

There are two subclasses:

- (1) *Class IVA*: A proactive pollution prevention activity that the facility has undertaken.
- (2) *Class IVB*: An opportunity for implementing a pollution prevention activity.

4-4.4.3 Reason for Finding Codes

One of the key functions of the QAR program is to assist in tracking, gathering, and analyzing information associated with the identification of postal-wide trends. These trends then can be distributed as lessons learned and used in both changing or developing guidance to assist with environmental compliance issues. The Reason for Finding code serves this function by establishing categories that assign causative factors to each finding. As a result of this one-to-one relationship between findings and causes, the coding system allows for the analysis of data to identify potential postal-wide noncompliance trends.

The coding system is separated into the following six categories:

- a. Management.
- b. Personnel.
- c. Environmental outputs.
- d. Structural and equipment aspects.
- e. Operational and maintenance practices.
- f. Other compliance issues.

Each main category is further divided into more specific subcategories. The Reason for Finding code system has not been finalized. A description of the six categories and the associated subcategories is provided in the help manual for the automated PC-based QAR reporting system.

Exhibit 4-4.4.1

Individual QAR Finding Report Form

QAR Finding Report Form**Finding No:** _____ **Facility Name:** _____

Facility Finance No: _____ Facility Sublocation No: _____

Street Address: _____

City: _____ State: _____ ZIP Code: _____

Postal Service Area: _____ Postal Service District: _____

Primary Facility Point of Contact (Environmental)

First Name: _____

Telephone No: () _____ FAX No: () _____

PRN Address: _____

Risk Classification (check only one):

- ☐ CLASS IA: Noncompliance finding that poses a potential danger to human health and/or the environment
- ☐ CLASS IB: Administrative noncompliance finding
- ☐ CLASS II: Will be out of compliance in the future
- ☐ CLASS III: Not in accordance with Postal Service policy but in compliance w/ existing federal, state, local regulations
- ☐ CLASS IVA: Positive accomplishment not required by regulation or policy (good management practice)
- ☐ CLASS IVB: Opportunity for implementing a positive accomplishment not required by regulation or policy

Reason for Finding:

Problem Type (enter primary category code or title): _____

Specific Problem (enter subcategory code or title): _____

Exhibit 4-4.4.1

Individual QAR Finding Report Form (continued)

QAR Finding Report Form**Finding No:** _____ **Facility Name:** _____

STATUTE (e.g., CAA, CWA, RCRA Subtitle I):

REGULATORY AUTHORITY FOR FINDING (check all that apply):

- | | | |
|----------------------------------|--------------------------------|---|
| <input type="checkbox"/> Federal | <input type="checkbox"/> Local | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> State | <input type="checkbox"/> USPS | |

APPLICABLE REGULATORY CITATION:

DESCRIPTION OF FINDING:

RECOMMENDED CORRECTIVE ACTION(S):

DATE CORRECTIVE ACTION TO BE COMPLETED: _____ / _____ / _____
Month Day Year

CORRECTIVE ACTION SELECTED BY FACILITY:

STATUS OF CORRECTIVE ACTION:

DATE FINDING WAS CORRECTED: _____ / _____ / _____
Month Day YearESTIMATED COST OF CORRECTIVE ACTION: \$ _____
(or actual cost if completed)

4-4.5 Automated QAR Reporting System

An automated PC-based system is available for reporting QAR findings. The QAR module is part of the Postal Service's new Progress and Environmental Protection Management Information System (PEPMIS). The information to be entered into the PEPMIS is the same as shown in Exhibit 4-4.4.1. The minimum equipment requirements for installing the QAR software are as follows:

- a. An IBM or compatible PC with 8MB or more of RAM.
- b. A 386 or higher CPU capable of running Microsoft Windows 3.1 in enhanced mode.
- c. A mouse.
- d. An 1.44 MD high density, 3.5 inch floppy disk drive.
- e. A hard disk with at least 12 MB free for installing the software.
- f. An external or internal modem connected to a COM port of your computer that can transmit or receive data at a speed of at least 14,400 bps.

4-4.6 Exit Briefing with Facility Management

After completing the records review and site visit, the team documents the compliance findings (using either the automated QAR system or a hard copy form) and prepares preliminary individual finding sheets for each finding identified during the compliance review. The team presents the preliminary findings sheets during the exit briefing to allow team members and facility staff responsible for environmental compliance the opportunity to discuss the findings of the site visit and to address any questions from the facility staff.

The team should observe the following during the exit briefing:

- a. The briefing must be objective and nonargumentative and must include the team, facility review participants, and all appropriate facility management.
- b. The team should identify findings that demand immediate attention (Class IA), as well as administrative problems that are lower priority (but may constitute a citable offense-Class IB).
- c. The team should inform facility management how the findings will be reported, when the draft and final QAR reports will be issued, and to whom the reports will be distributed.
- d. The team must inform the facility manager that the facility's QAR will not be used to take any disciplinary action; however, if subsequent reviews determine a pattern of noncompliance, then management action may be taken by the area office through the appropriate channels.
- e. The team should make clear that the facility manager will have an opportunity to review and comment on the draft QAR report.
- f. The team should distribute a performance evaluation form to each facility staff person involved in the review to allow facility staff to provide feedback on the QAR process and team. A sample performance

evaluation form is shown in Appendix E. The facility staff should complete the evaluation form and mail it within 1 week after completion of the QAR to Postal Service Headquarters at the addresses shown on the form in Appendix E.

5 QAR Results

5-1 General

The QAR report is designed as an unbiased and formal means of documenting the compliance status of the reviewed facility for postal management at a single time.

5-2 QAR Finding Priorities

5-2.1 General

To complete the QAR process and have a useful report to return to the reviewed facility, the findings must be analyzed and recommendations for corrective action clearly stated for easy implementation. The usefulness of a QAR to some extent depends on the methods used by both the reviewer and line management to categorize and rank findings. For maximum benefit, the team must report the priority of findings in a manner helpful to management personnel responsible for implementing corrective actions.

5-2.2 Finding Categorization

QAR findings are categorized by the following types of information:

- a. The relevant regulatory or pollution control program, such as the Clean Air Act or the Resource Conservation and Recovery Act — Subtitle C (hazardous waste).
- b. The applicable regulatory citation or Postal Service policy to which the finding is related.
- c. A reason for finding determination that assigns a causative factor for noncompliance to each finding, as discussed in section 4-4.4.3.

These categorization factors serve as search keys by the PEPMIS database. In this role they facilitate the gathering and analyzing of data used to assess progress and identify trends for the overall improvement of the Postal Service environmental program.

5-2.3 Priority Setting

Priority schemes assist area and district environmental coordinators in determining which findings need to be addressed immediately and are a valuable tool in appropriately allocating resources for corrective actions. All findings are to be assigned to one of the risk classifications, as detailed in section 4-4.4.2.

The priority ranking system described is also useful for deciding which findings are to be included in executive summaries (the higher ranking findings are included; the lower ranking ones are excluded). Because Class IA and IB findings are the most threatening, they should receive prompt attention and perhaps even be corrected before a report is published.

5-3 QAR Review Report

5-3.1 General

5-3.1.1 Format

QAR reports must be compiled in a manner useful to both the staff and line personnel. Consideration should be given to reporting formats, both written and automated. Each of these formats is useful at different times.

5-3.1.2 Process

The team drafts written results of the QAR. The final review report is a summary of findings and corrective action recommendations grouped by the regulatory programs. Noncompliance findings should be ranked according to the risk classification system described in section 4-4.4.2. The transmittal of draft and final reports requires the signature of the area office environmental coordinator or a committee under the direction of the area office environmental coordinator.

5-3.1.3 Writing Suggestions

The following writing tips can improve the final report:

- a. The writing must be clear and concise. Writers should not use buzzwords, jargon, or unnecessary acronyms. They should avoid long sentences and use paragraphs to separate issues.
- b. The report must be as factual and specific as possible. Writers should use numbers to quantify and dates to verify. They should avoid general phrases, such as *A number of excursions were noted* (when the specific number can be given), and they should avoid interjecting opinion or inflammatory comments.
- c. The report should not be written in the first person. Rather than using pronouns such as *I* and *We*, writers should use phrases such as *The review team observed*.

- d. To the extent possible, writers should use the active voice to clarify content and reduce wordiness.

5-3.1.4 **PEPMIS Automated System**

The automated QAR reporting system described in section 4-4.4.4 can help to develop aspects of the written report. Use of PEPMIS increases the uniformity of reporting and reduces the time required in report preparation. QAR data input into the PEPMIS system can be used to generate standardized summary information, such as a table of findings by risk classification, a list of findings by regulatory or pollution control program, or an individual finding summary sheet.

5-3.2 **Draft Review Reports**

5-3.2.1 **Deadlines**

The draft report must be completed and submitted to the area and district environmental coordinators, the subject facility manager, and, when appropriate, Environmental Management Policy, for review within 4 weeks after the onsite visit. Review comments should be submitted to the team leader within 2 weeks after receiving the draft report.

5-3.2.2 **Required Elements**

The draft environmental review report should contain the following sections:

- a. **Executive Summary.** This section provides a summary of the regulatory or pollution control programs evaluated at the facility, an overview of the major compliance findings, and an evaluation of the facility's general compliance status, including identification of proactive measures that the facility has implemented on its own. If a facility has implemented a unique practice or system that improved their environmental program, it should be identified as a positive finding to be considered for use at other USPS facilities. The date of the review should be included.
- b. **Introduction.** This section addresses background information on the reviewed facility including a description of facility operations and activities, a map(s) showing the location and layout of the facility, when the QAR was conducted and by whom, a summary of activities conducted in the pre-review phase and onsite visit, and a list of the regulatory or pollution control programs evaluated.
- c. **Findings.** This section presents findings by regulatory or pollution control programs and lists findings in order from Class IA to Class IVB. It should contain the following:
 - (1) Listing of findings that includes regulatory citations (if applicable) and recommendations for correcting the problem.
 - (2) Summaries of findings in a table format.
 - (3) Separate finding sheets generated during the onsite visit using the format shown in Exhibit 4-4.4.1.

(4) Positive findings.

- a. **Appendices.** These sections provide a list of attendees at the entrance and exit briefings, as well as the completed pre-visit questionnaire. The appendices may include such items as current regulations, copies of facility documentation that indicate a problem, and copies of valid permits. Although these can be several hundred pages long, they are invaluable when challenges are made to the review process or other subsequent problems arise. To reduce the size of the report, the reviewers may retain the attachments rather than distribute them

5-3.2.3 Limitations on Distribution

To protect the draft copies during the report review process, the following procedures should be implemented:

- a. The draft reports must be clearly marked ***Draft***.
- b. The draft reports should be numbered to control the distribution. Circulation must be limited to the team leader and members, facility manager, area and district environmental coordinators, the area office vice president, the facility manager, Environmental Management Policy, and those assigned to derive corrective actions.

5-3.3 Final Review Reports

5-3.3.1 Differences from Draft Report

The final review report should be essentially the same as the draft report with two differences:

- a. Incorporation of comments from all reviewers, including the area and district environmental coordinators, the area office vice president, Environmental Management Policy, and the facility manager.
- b. Incorporation of the facilities strategy for resolving each QAR finding. This is used in the development of a corrective action plan prepared by the area or district environmental coordinator.

5-3.3.2 Limitations on Distribution

As with the draft report, copies should be numbered to control their release, and the distribution of the final report should be limited to the area office vice president, the area office environmental coordinator, the facility manager, members of the team leader, the district environmental coordinator, and, where appropriate, legal counsel.

5-4 Corrective Action Process

5-4.1 General

The Postal Service must address all findings that identify regulatory violations or potential threats to human health and the environment. QAR reviews should identify the noncompliance issues and describe recommended actions to be taken to resolve the problems.

5-4.2 Tracking System

Since regulatory noncompliance can result in large fines and penalties, the QAR program should incorporate a tracking system for findings to ensure appropriate and timely corrective action. The tracking system should identify all noncompliance findings at a facility; the facility then should categorize these findings into two group — those that can be corrected quickly and those that require a longer-term solution.

5-4.3 Noncompliance Findings

All corrective action plans, whether short- or long-term, need to identify the means of reducing or eliminating identified environmental risks and be designed to bring the Postal Service into compliance in a timely and cost-efficient manner. The QAR Finding Report Form (see Exhibit 4-4.4.1) can be used to identify and track environmental noncompliance and associated corrective actions.

- a. Findings that can be corrected quickly should be resolved as soon as appropriate actions are agreed upon and funded.
- b. Findings that require longer-term solutions may necessitate formal action plans. Examples of long-term corrective actions include the following types of activities: media sampling and analysis, air or groundwater modeling, engineering designs, effluent or waste treatment, and contaminant removal.

5-4.4 Responsibility for Corrective Action

5-4.4.1 Facility Managers

Facility managers have the primary responsibility for undertaking, overseeing, and completing corrective actions.

5-4.4.2 District Environmental Coordinators and Area Environmental Coordinators

District environmental coordinators have the primary responsibility to track the progress of corrective actions being initiated at their facilities. Either a formal or informal system should be developed to allow tracking of corrective

actions, although a more formal approach is recommended for those actions that have regulatory agency involvement or substantial funding associated with them.

District and area office environmental coordinators should ensure that adequate funding is available to complete the corrective action, and they should provide technical assistance to the reviewed facility to ensure that appropriate actions are taken to resolve the finding issue and steps are taken to avoid a recurrence of the finding.

In addition, district environmental coordinators, with assistance from the area offices, are responsible for the onsite verification and final closure of QAR findings. These two activities can be accomplished successfully either by including them as an adjunct to other business at reviewed facilities or as a activity associated with follow-up environmental reviews or assessments.

5-4.5 **Budgeting for Environmental Projects**

A QAR report can help defend funding requests. It provides both independent field notes on the compliance status and a regulatory citation. Because the primary responsibility for budgeting lies with the area office and the district, funding determinations for environmental noncompliance situations rest with the area offices and districts. A determination on funding priority should be made in connection with the four risk classes identified in section 4-4.4.2. If environmental noncompliance situations cannot be funded within the fiscal year that they were identified, they must be documented in writing, along with the reasons for their lack of funding, and sent to the district environmental coordinators. District environmental coordinators should request additional funding from area office environmental coordinators to correct noncompliance findings or eliminate activities that are in violation.

5-5 **Review Finding Tracking Systems**

5-5.1 **General**

The experiences of other federal agencies suggest that noncompliance findings cited during a QAR are sometimes not corrected because they “fall through the cracks.” A tracking system is needed to ensure that specific future actions occur as scheduled, to remind the facility of scheduled actions, to determine the present status of an action, and to document when a finding is fixed. Unscheduled events may cause budget conditions to change, requiring the reallocation of funds. A tracking system that includes the finding priority and the cost of the corrective action enhances the long-term success of a QAR program.

The QAR module of the Postal Service’s Performance and Environmental Protection Management Information System (PEPMIS) provides a mechanism for reporting QAR findings and tracking corrective actions. The QAR module system elements are shown in Exhibit 4-4.4.1.

5-5.2 Responsibilities

Environmental Management Policy is responsible for developing and maintaining a tracking system for QAR findings so that reviews can be uniformly tracked within each area office and within each state for consistent reporting to the area office vice president and Headquarters.

5-5.3 Tracking System Development and Maintenance

5-5.3.1 System Elements

A QAR tracking system should store only the information necessary to manage the corrective action; otherwise, it will become complex and costly to operate.

The QAR module system elements include:

- a. Finding number (a unique number).
- b. Description of the finding.
- c. Date of the review that uncovered the problem.
- d. Relevant regulatory or pollution control program.
- e. Regulatory citation (section of regulation violated).
- f. Risk classification.
- g. Reason for finding category and subcategory.
- h. Corrective action recommended by the QAR team.
- i. Facility response for plan to correct finding.
- j. Estimated date for correcting finding.
- k. Status of corrective action.
- l. Estimated resources (budget and personnel) to address the problem properly.

5-5.3.2 Type of System

A computer-based system (PEPMIS) will be used to provide uniformity and efficiency. More detailed information on PEPMIS will be provided following postal-wide implementation.

5-5.3.3 Standardized Operating Procedure

To be an effective management tool, the system should follow a standardized operating procedure that meets the needs of the manager responsible for the corrective action. If all records are computerized, then a procedure should be established to implement the following:

- a. Limit access to the system.
- b. Confirm responsibility for the addition or deletion of a finding.
- c. Establish review procedures for setting and achieving corrective action milestones.
- d. Establish data base management responsibility.

6 QAR Program Evaluation

6-1 General

An important element in the implementation of a program is evaluating the program's effectiveness. This chapter presents some methods for evaluating the quality and effectiveness of a QAR program and discusses key elements of the Postal Service's total quality management program. These methods are most useful if established early in the program's development when quality control authority and responsibility are delegated. Program evaluation and quality assurance should be a continuous process, but they are particularly valuable after completing each distinct phase of the QAR task.

The evaluation must, at a minimum, focus on the following three areas:

- a. Program management.
- b. Program implementation.
- c. Program performance.

6-2 Program Management

An effective environmental regulatory compliance review program requires the development of program policies, procedures, and guidance that provide logical, clear, and consistent direction and that are implemented in a timely manner. It is the responsibility of Headquarters to develop these program tools. However, it is incumbent upon all individuals involved in the QAR process (i.e., team members, facility manager, district and area environmental coordinators) to communicate the need for developing new or modifying existing program policies, procedures, and guidance tools.

These program tools are as follows:

- a. **Program policies** provided to the field (i.e., team members, facility manager, district and area environmental coordinators) in a timely manner ensure that all individuals involved are aware of the specific requirements that they must meet. Questions regarding implementation of the program policies should be immediately communicated to Headquarters to resolve any issues. Policies that are relevant to the program include the management instruction for the program and the management instructions addressing specific environmental regulatory or pollution control program areas (see section 1-7).
- b. **Standard operating procedures** ensure the consistent and effective collection, analysis, and reporting of data. This allows for comparison of results on a facility-specific basis or on a district-, state-, area-, or nation-wide basis. The general procedures presented in this handbook should be used by area and district environmental coordinators and facility managers to develop specific standard operating procedures applicable to their program needs.
- c. **Guidance tools**, such as the checklists provided in Appendix D, published separately, assist in the collection of relevant data that are consistent from one facility, district, and area to another. Headquarters and area offices have developed generic guidance tools that can be modified by other areas, districts, and facilities to meet specific program needs. Area and district environmental coordinators should identify and evaluate these guidance tools prior to developing their own tools to minimize the time and expense required.

6-3 Program Implementation

6-3.1 General

All phases of the QAR process (establishing review objectives, staffing the team, conducting the review, and reporting the results) should be conducted in an integrated fashion to meet the needs of the reviewed facility and the environmental management program. This requires frequent communication between the team, facility manager, district environmental coordinator, and area office to evaluate the effectiveness and appropriateness of each phase of the process and to resolve issues and concerns that may arise.

6-3.2 Data Collection

The policies and procedures developed for the Postal Service QAR program identify the type and quality of data to be collected and the methods for data collection, analysis, and reporting. The data collected during the environmental review should be as follows:

- a. Relevant to the scope of the review.
- b. As complete as possible.
- c. Traceable to their sources.

- d. Comparable among all individuals involved in the review.

Relevant and complete data collection requires a well-briefed and well-trained QAR review team. Traceable and comparable data can be obtained through the development and application of standard procedures and methods for reviewers to follow. The handbook and checklists in Appendix D, published separately, provide the framework for determining what data are to be obtained and collected.

6-3.3 Data Analysis

Evaluation of data collected during a QAR should be conducted during all phases of the process.

6-3.3.1 Before the Onsite Phase

The team leader should assess the data obtained from the pre-visit questionnaire to identify the following three areas:

- a. Which regulatory or pollution control programs apply to the facility.
- b. Which types of records and documentation should be reviewed during the onsite visit.
- c. Which operations and activities at the facility should be inspected.

6-3.3.2 During the Onsite Phase

The team should evaluate data collected during the onsite visit phase at the end of each day to determine:

- a. If all of the requirements for each applicable regulatory or pollution control programs have been assessed.
- b. If all appropriate facility personnel have been interviewed.
- c. If all site operations and activities have been adequately inspected.

6-3.3.3 After the Onsite Phase

At the completion of the onsite visit, the team prepares preliminary finding report forms for each individual finding. The facility manager and team members should review thoroughly these preliminary findings to ensure that the findings are accurate, understandable, and complete.

6-3.4 Data Reporting

6-3.4.1 Criteria

The quality of a written document can be judged by whether it meets the following criteria:

- a. Does it address the objectives of the QAR?
- b. Does it present technically accurate, relevant, and complete information?
- c. Is it organized in a clear, consistent, and logical manner?

6-3.4.2 Procedures

To assure document quality, it is important to do the following:

- a. Establish standard reporting requirements.
- b. Have the team hold technical review meetings to evaluate the individual finding report forms and draft reports.
- c. Establish a report review process to obtain written comments from the facility staff and district and area environmental coordinators.

6-4 QAR Program Performance

6-4.1 General

Each level (i.e., Headquarters, area, district, and facility level) of the process should evaluate program performance on an ongoing basis. Each level evaluates essentially the same program elements; however, the scope of a performance evaluation broadens from the bottom up. Some methods and tools to evaluate the program performance are discussed below.

6-4.2 Team Performance

The performance of the review team should be evaluated at the completion of each QAR to identify any problems that may have occurred during the conduct of the pre-review and onsite visit phases.

All postal staff involved in the facility review and external to the team should complete the performance questionnaire. The area or district environmental coordinators should evaluate the questionnaires to determine if changes should be made to the procedures and methods used by the team. A sample performance evaluation questionnaire is provided in Appendix E.

6-4.3 Analysis of Results and Trends

EPA recognizes that measuring improvement in environmental compliance can be a difficult task, but an attempt to do so should be part of all QAR programs. The number and magnitude of environmental problems identified during a review can be used to evaluate a program's success in achieving compliance. If evaluated over time, analyses of the following review results and trends may be valuable:

- a. Regulatory compliance rates based on each environmental regulatory or pollution control program.
- b. Regulatory compliance rates based on assigned priorities (i.e., risk classifications).
- c. Number of regulatory compliance deficiencies identified.
- d. Average facility regulatory compliance rates.

6-4.4 **Measurement of Success**

Over time, a successful environmental QAR program should be reflected in increasing regulatory compliance rates on an agency-wide basis. The compliance rate of a single environmental issue could be the focus of a program quality review. Where a distinction is made between major and minor violations (based on risk classification), a program may have more minor violations, with major violations decreasing over time.

The Postal Service also may want to measure success by the number of significant violations identified or enforcement actions taken by EPA or state regulatory agencies at its facilities. While no one measure or report may be solely attributable to the progress of a QAR program, there still should be a direct relationship between an environmental management program's overall success or failure and the effectiveness of the review program.

Finally, there should be an overall improvement in regulatory compliance from a QAR program that successfully identifies a facility's or an agency's general patterns of noncompliance and addresses them effectively.

Appendix A

Glossary

Air Contaminant. Any particulate matter, gas, or combination thereof, other than water vapor or natural air.

Air Toxics. Any air pollutant for which a National Ambient Air Quality Standard (NAAQS) does not exist (that is, excluding ozone, carbon monoxide, particulate matter, sulfur oxides, nitrogen oxides, and lead) that may reasonably be anticipated to cause cancer, developmental defects, reproductive dysfunctions, neurological disorders, heritable gene mutations, or other serious or irreversible chronic or acute health effects in humans.

Attainment Area. An area considered to have air quality as good as or better than the National Ambient Air Quality Standards as defined in the Clean Air Act. An area may be an attainment area for one pollutant and a nonattainment area for others.

Authorized State. A state that has obtained authorization from EPA to direct the RCRA program.

Best Available Control Measures (BACM). A term referring to the “best” measures (according to EPA guidance) for controlling small or dispersed sources of particulate matter, such as roadway dust, wood stoves, and open burning.

Best Management Practices. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of U.S. waters, including treatment requirements, recycling, reduction, reuse, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Carbon Monoxide (CO). A colorless, odorless gas that is toxic because of its tendency to reduce the oxygen-carrying capacity of the blood.

Carcinogen. A cancer-producing agent.

CFC-12. A chlorofluorocarbon with the trademark name *Freon*, commonly used in refrigeration and automobile air conditioning.

Chlorofluorocarbons (CFCs). A family of inert, nontoxic, and easily liquefied chemicals used in refrigeration, air conditioning, packaging, or insulation, or as solvents or aerosol propellants. Because CFCs are not destroyed in the lower atmosphere, they drift into the upper atmosphere, where the chlorine is released and destroys ozone.

Characteristic Waste. A waste classified as hazardous because it is ignitable, corrosive, reactive, or toxic as determined by the toxicity characteristic leaching procedure. It has an EPA Waste Code in the range D0001 to D043. Each of these four characteristics is defined in 40 CFR 261.20 Subpart C.

Chemical Abstracts Service(CAS). An information agency that provides information on chemicals.

Chemical Abstracts Service (CAS) Number. The Chemical Abstracts Service (CAS) number identifies a toxic chemical by a unique eight-digit number.

Chlorinated Solvent. An organic solvent containing chlorine atoms — for example, methylene chloride and 1,1,1-trichloromethane — that is used in aerosol spray containers and in traffic paints.

Clean Air Act Amendments of 1990. Provide stricter emissions standards and more severe penalties than the original Clean Air Act and the 1977 amendments in terms of stationary and mobile sources, air toxics, acid deposition, and ozone depletion.

Clean Fuels. Blends and/or substitutes for gasoline fuels, including compressed natural gas, ethanol, methanol, and others.

Clean Water Act. Redesignated name for the *Federal Water Pollution Control Act* following the 1977 amendments; the national law under which stormwater management is regulated.

Code of Federal Regulations (CFR). The detailed regulations, written by federal agencies, to implement the provisions of laws passed by Congress. Regulations in the CFR have the force of federal law.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Authorizes EPA to finance the cleanup of abandoned hazardous waste dump sites and provides the agency the legal means to recover cleanup costs.

Contaminant. Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on air, water, or soil.

Conveyance. A channel or passage that conducts or carries water, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container.

Corrective (Remedial) Action. A procedure or series of steps taken to correct an environmental violation or problem.

Delisted Wastes. The site-specific wastes that are excluded from reporting under 40 CFR 260.20 and 260.22. A waste at a particular generating site may be excluded or delisted from the lists of hazardous waste in Subpart D of Part 261 by petitioning the EPA administrator for a regulatory amendment.

Discharge. The discharge of a pollutant when used without qualification.

Discharge Monitoring Report. The required report (usually generated monthly) of the monitoring results for NPDES-permitted discharges.

Disposal. The final placement or destruction of toxic, radioactive, or other wastes; surplus or banned pesticides or other chemicals; polluted soils; and drums containing hazardous materials from removal actions or accidental releases. Disposal may be accomplished through use of approved secure landfills, surface impoundments,

land farming, deep well injection, ocean dumping, or incineration.

Effluent. The water and the quantities, rates, and concentrations of chemical, physical, biological, and other constituents that are discharged from a point source.

Effluent Limitation. Any restriction imposed by EPA on quantities, discharge rates, and concentrations of pollution that are discharged from point sources into U.S. waters, the waters of the contiguous zone, or the ocean.

Emergency Planning and Community

Right-To-Know Act. Addresses concerns about the effect of chemical releases on communities and allows the public to find out about chemicals at facilities.

Emissions. The gases and particulates (minute particles that reach the air from the burning process).

Enforcement. The efforts made by official agencies to ensure compliance with environmental laws and regulations.

Enhanced Inspection and Maintenance

(Enhanced I&M). An improved automobile inspection and maintenance program that includes, as a minimum, increases in coverage of vehicle types and model years, tighter stringency of inspections, and improved management practices to ensure more effectiveness. Also may include annual, computerized, or centralized inspections; under-the-hood inspections to detect tampering with pollution control equipment; and increased repair waiver cost.

The purpose of Enhanced I&M is to reduce automobile emissions by ensuring that cars are running properly.

Environment. The sum of all external conditions affecting the life, development, and survival of an organism.

Environmental Auditing. A preventive, systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements.

Environmental Media. The individual environmental areas addressed in this handbook, such as air, water, and pesticides.

Executive Order 11514. Orders federal agencies to initiate measures needed to direct their policies, plans, and programs to meet national environmental goals.

Extremely Hazardous Substances. Any of 406 chemicals identified by EPA on the basis of toxicity and listed under SARA Title III. The list is subject to revision.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Requires that no manufacturer produce or sell a product for pest control unless the compound is registered with EPA.

Formal Audit. An environmental inspection process conducted by teams from outside the facility.

Generator. A person, company, site, or mobile source that produces solid or liquid waste.

Halons. A family of compounds containing bromine used in fighting fires, whose breakdown in the atmosphere depletes stratospheric ozone.

Hazardous and Solid Waste Amendments. Ban all land disposal of hazardous waste within 5½ years of passage, set schedules for the bans, and make them automatic if EPA fails to act by certain dates.

Hazardous Waste. A byproduct of society that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in the incidence of serious, irreversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Possesses at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity) or appears on special EPA lists.

Hydrochlorofluorocarbons (HCFCs). The chlorofluorocarbons (CFCs) that have been chemically altered by the addition of hydrogen and that are significantly less damaging to stratospheric ozone than other CFCs.

Illicit Discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges from firefighting activities.

Impact Analysis. A quantitative or qualitative analysis of potential effects related to the use of energy and material resources and releases to the environment.

Improvement Analysis. A systematic analysis of the needs and opportunities for environmental improvements in a product, process, or activity.

In-Plant Control Technology. The regulation and conservation of chemicals and the reduction of water use throughout operations, as opposed to end-of-pipe treatment.

Inspection and Maintenance (I&M). A program providing for periodic inspections of motor vehicles to ensure that emissions of specified pollutants do not exceed established limitations.

Integrated Solid Waste Management. The practice of using several alternative waste management techniques to manage and dispose of specific components of the postal waste stream. Waste management alternatives include source reduction, recycling, composting, energy recovery, and landfilling.

Interim (Permit) Status. Period during which treatment, storage, and disposal facilities coming under RCRA in 1980 are temporarily permitted to operate while awaiting denial or issuance of a permanent permit. Permits issued under these circumstances are usually called "Part A" or "Part B" permits.

Landfill. A basin ranging in size from 20 to 70 acres wide scooped out of the earth. The sides and bottom are lined with layers of clay and geotextiles. Inside are 12- to 14-inch layers of sand in which is buried a piping system that collects the leachate that runs through the garbage.

Large Quantity Generator. A generator of hazardous waste that meets any of the following criteria: (1) the site generates in 1 or more months during a year 1,000 kg (2,200 lbs) or

more of RCRA hazardous waste; (2) the site generates in 1 or more months during the year, or accumulates at any time, 1 kg (2.2 lbs) of RCRA acute hazardous waste; or (3) the site generates or accumulates at any time more than 100 kg (220 lbs) of spill cleanup material contaminated with RCRA acute hazardous waste.

Leachate. The liquid formed as moisture and rainfall pass through garbage in landfills.

Listed Wastes. The wastes specifically named in 40 CFR 261.3. These wastes are listed as hazardous under RCRA but have not been subjected to the toxic characteristics listing process because the dangers they present are considered self-evident. They bear EPA Waste Codes beginning with the letters F, P, U, or K.

Major Facility. For this handbook, all postal vehicle maintenance facilities, general mail facilities, bulk mail centers, maintenance overhaul and technical service centers, and management sectional centers.

Maximum Achievable Control Technology (MACT). The emissions limitations based on the best demonstrated control technology or practices in similar sources to be applied to major sources emitting one or more of the listed toxic pollutants.

Minor Facility. All postal facilities that are not vehicle maintenance facilities, general mail facilities, bulk mail centers, maintenance overhaul and technical service centers, and management sectional centers.

Monitoring. The measurement, sometimes continuous, of environmental quality.

Montreal Protocol. An international environmental agreement to control chemicals that deplete the ozone layer. The protocol, which was renegotiated in June 1990, calls for a phaseout of CFCs, halons, and carbon tetrachloride by the year 2000 and a phaseout of chloroform by 2005 and provides financial assistance to help developing countries make the transition away from ozone-depleting substances.

National Ambient Air Quality Standards (NAAQS). Established by the Clean Air Act to specify maximum acceptable levels of pollutants

for outdoor air — specifically, ozone, carbon monoxide, PM-10, sulfur oxides, nitrogen oxides, and lead.

National Environmental Policy Act (NEPA).

Declared a national policy to encourage productive and enjoyable harmony between humans and the environment, to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans, to enrich the understanding of the ecological systems and natural resources important to the nation, and to establish the Council on Environmental Quality. Passed in 1969.

National Pollutant Discharge Elimination System (NPDES). The system of permits for point source discharges to surface waters issued by EPA, by states with EPA-approved programs, or (where delegated) by a tribal government on an Indian reservation.

New Discharger. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants at a site at which, on October 18, 1972, it had never discharged pollutants, that has never received a final NPDES permit, and that is not a new source.

New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed regulations prescribing a standard of performance under section 306 of the Clean Water Act, which will be applicable to such a source if that standard is thereafter promulgated in accordance with section 306.

New Source Performance Standards. Effluent standards for new sources established pursuant to section 306(b)(1)(B) of the Clean Water Act.

Nitrogen Oxides (Nox). The chemical compounds containing nitrogen and oxygen that react with volatile organic compounds in the presence of heat and sunlight to form ozone. They are a major precursor to acid rain. Nationwide, approximately 45 percent of Nox emissions come from mobile sources, 35 percent

from electric utilities, and 15 percent from industrial fuel combustion.

Noise Control Act. Authorizes EPA to regulate products that are major sources of noise.

Nonattainment Area. An area in which one or more of the National Ambient Air Quality Standards is not met.

Nonpoint Source. Any source of water pollution or pollutants not associated with a discrete conveyance, including runoff from fields, forest lands, mining, construction activity, and saltwater intrusion.

Operator. The person or organization responsible for the overall operation of the site.

Oxygenated Fuels. Gasoline that has been blended with alcohols or ethers that contain oxygen to reduce CO and other emissions.

Ozone. A compound consisting of three oxygen atoms that is the primary constituent of smog. It is formed through chemical reactions in the atmosphere involving volatile organic compounds, nitrogen oxides, and sunlight. Ozone can initiate damage to the lungs and to trees, crops, and materials. There is a natural layer of ozone in the upper atmosphere that shields the Earth from harmful ultraviolet radiation.

Polychlorinated Biphenyls (PCBs). A known carcinogen.

Permit. An authorization, license, or equivalent control document issued by EPA or an authorized state to implement the environmental requirements.

Pesticide. A substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Also any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. A pesticide can accumulate in the food chain or contaminate the environment (or both) if misused.

PM-10. A new standard for measuring the amount of solid or liquid matter suspended in the atmosphere ("particulate matter"). Refers to the amount of particulate matter less than or equal to 10 micrometers in diameter. The smaller PM-10 particles penetrate to the deeper portions of the

lung, affecting sensitive population groups, such as children and people with respiratory diseases.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This does not include return flows from irrigated agriculture.

Pollutant. The dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged from water.

Pollution Prevention. The reduction of multimedia pollutants at the source and by the use of environmentally sound recycling. This prevention includes all regulated toxic and nontoxic substances.

Pollution Prevention Act. Establishes a national policy to prevent pollution or reduce it at the source.

Receiving Waters. The rivers, lakes, oceans, or other water courses that receive treated or untreated wastewaters.

Recovered Materials. The waste material and byproducts that have been recovered or diverted from solid waste, excluding materials and byproducts generated from, and commonly used within, an original manufacturing process.

Recyclable Materials. The materials that still have useful physical or chemical properties after serving their original purpose and that can be reused or remanufactured into new products.

Recycled Materials. The materials otherwise destined for disposal that have been collected, reprocessed, or remanufactured, and made available for reuse.

Reformulated Gasoline. A gasoline with a different composition from conventional gasoline

(for example, lower aromatics content) that results in the production of lower levels of air pollutants.

Refuse Reclamation. The conversion of solid waste into useful products — for example, composting organic wastes to make soil conditions or separating aluminum and other metals for melting and recycling.

Resource Conservation and Recovery Act (RCRA). Regulates the generation, treatment, storage, disposal, or recycling of solid and hazardous waste.

Runoff Coefficient. The fraction of total rainfall that will appear at the conveyance as runoff.

Safe Drinking Water Act. Authorizes EPA to regulate all public water systems.

Sanitary Sewer. A channel or conduit that carries household, commercial, and industrial wastewater from the source to a treatment plant or receiving stream.

Self-Audit. An internal environmental inspection process used to keep a facility prepared for formal audits or inspections by outsiders.

Sewage Sludge. Any sludge generated by a wastewater treatment plant that treats any domestic wastewater.

Sewer. A channel or conduit that carries wastewater and stormwater runoff from the source to a treatment plant or receiving stream. Sanitary sewers carry household, industrial, and commercial wastes. Storm sewers carry runoff from rain or snow. Combined sewers are used for both purposes.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Sludge. A semisolid residue from any number of air or water treatment processes. Sludge can be a hazardous waste.

Small Quantity Generator. A hazardous waste generator that meets all the following criteria: (1) in 1 or more months of the year the site generates more than 100 kg (220 lbs) of hazardous waste, but in no month (a) generates 1,000 kg (2,200 lbs) or more of acute hazardous waste, (b)

generates 1 kg (2.2 lbs) or more of acute hazardous waste, or (c) generates 100 kg (220 lbs) or more of material from the cleanup of a spillage of acute hazardous waste; (2) the site accumulates at any time during the year no more than 1 kg (2.2 lbs) of acute hazardous waste and no more than 100 kg (220 lbs) of material from the cleanup of a spillage of acute hazardous waste; and (3) the site stores its waste in tanks or containers in a manner consistent with regulatory provisions. Alternatively, the site is a small quantity generator if during the year it meets all other criteria for a conditionally exempt small quantity generator but accumulates 1,000 kg (2,200 lbs) or more of hazardous waste. In most cases, Postal Service facilities are small quantity generators.

Solid Waste. Nonliquid, nonsoluble materials ranging from municipal garbage to industrial wastes that contain complex, and sometimes hazardous, substances. Solid wastes also include sewage sludge, agricultural refuse, construction and demolition wastes, and mining residues. Technically, solid waste also refers to liquids and gases in containers.

Solid Waste Management. Supervised handling of waste materials from their source through recovery processes to disposal.

Solubility. The ability of a substance to dissolve in water.

Solvent. A substance (usually liquid) capable of dissolving or dispersing one or more other substances. Solvents include, but are not limited to, the non-spent materials listed in EPA Waste Codes F001 through F005.

Stage II Controls. The systems placed on service station gasoline pumps to control and capture gasoline vapors during automobile refueling.

State Implementation Plan. A document prepared by a state and submitted to EPA for approval that identifies actions and programs to be undertaken by the state and its subdivisions to implement their responsibilities under the Clean Air Act Amendments.

Storage. Temporary holding of waste pending treatment or disposal. Storage methods include

containers, tanks, waste piles, and surface impoundments.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Sulfur Dioxide (SO₂). A heavy, pungent, colorless air pollutant formed primarily by the combustion of fossil fuels. It is a respiratory irritant, especially for asthmatics, and is the major precursor to the formation of acid rain.

Superfund. The program operated under the legislative authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendment Reauthorization Act (SARA) that funds and carries out the EPA solid waste emergency and long-term removal remedial activities. These activities include establishing the National Priorities List, investigating sites for inclusion on the list, determining their priority level on the list, and conducting and/or supervising the ultimately determined cleanup and other remedial actions.

Superfund Amendments and Reauthorization Act (SARA). Increases the amount in the cleanup fund, mandates set schedules for cleanup work and studies, and makes owners of underground storage tanks responsible for spills and leaks.

Surface Waters. Any visible stream or body of water.

Toxic. A substance harmful to living organisms.

Toxic Pollutant. Any pollutant listed as toxic under section 307(a)(1) of the Clean Water Act.

Toxic Substances Control Act. Establishes a system for identifying and evaluating environmental health effects of existing chemicals and any new substances entering the U.S. market.

Toxicity Test. The means to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent.

Transportation Control Measures (TCMs). The steps taken by a locality to adjust traffic patterns (for example, bus lanes, right turn on red) or to

reduce vehicle use (for example, ridesharing, high-occupancy vehicle lanes) to reduce vehicular emissions of air pollutants.

Treatment. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character of composition of any hazardous waste so as to neutralize such wastes, to recover energy or material resources from the waste, or to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose; or amenable to recovery, storage, or reduction in volume.

Treatment, Storage, and Disposal Facility. A site where a hazardous substance is treated, stored, or disposed. These facilities are regulated by EPA and states under RCRA.

Unauthorized State. A state that has not obtained authorization from EPA to direct its own RCRA program.

Volatile Organic Compounds (VOCs). A group of chemicals that react in the atmosphere in the presence of heat and sunlight to form ozone. These do not include methane and other compounds determined by EPA to have negligible photochemical reactivity. Examples of VOCs include gasoline fumes (or vapors) and oil-based paints.

Waste. Any material discarded as worthless, defective, or of no further use that, when disposed of, may pose a threat to human health or the environment.

Waste Minimization. The reduction, to the extent feasible, of hazardous waste that is generated or subsequently treated, stored, or disposed. It includes any source-reduction or recycling activity undertaken by a generator that results in: (1) the reduction of total volume or quantity of hazardous waste; (2) the reduction of toxicity of hazardous waste; or (3) both, as long as the reduction is consistent with the goal of minimizing present and future threats to human health and the environment.

Waste Reduction. Any change in a process, operation, or activity that results in the economically efficient reduction in waste material per unit of production without reducing the value

output of the process, operation, or activity, taking into account the health and environmental consequences of such change.

Water Quality Act of 1987. The most recent amendments to the Clean Water Act, Public Law 100-4, enacted on February 4, 1987.

Water Quality Standards. The regulations specifying, through a combination of use designations and water quality criteria to protect those uses, the quality to be achieved and maintained for each surface water in the state, as required by section 303 of the Clean Water Act.

Appendix B

Applicable Laws and Regulations for the U S. Postal Service Environmental QAR Program

Clean Air Act and Its Amendments

Federal Legislation

The Clean Air Act (42 U.S.C. 7401-7642, Public Law 88-206 as amended) is the basic federal legislation governing air pollution. The implementing U.S. Environmental Protection Agency (EPA) regulations are contained in 40 CFR 50 through 87. Major sections of the regulations include the following:

- a. 40 CFR 50, Primary and Secondary National Ambient Air Quality Standards.
- b. 40 CFR 60, New Source Performance Standards.
- c. 40 CFR 61, National Emission Standards for Hazardous Air Pollutants.
- d. 40 CFR 80, Regulation of Fuel and Fuel Additives.

The federal regulations provide a framework within which states design specific regulatory strategies to address air pollution problems within their boundaries. Much of what EPA defines as reasonably available control technology (RACT) may be found in state programs, but the requirement of a specific RACT will depend on the existence of an air pollutant problem in the state. In addition, RACT often includes two or more levels of control, depending on the seriousness of the nonattainment.

The Clean Air Act requires EPA to establish three types of national standards: National Ambient Air Quality Standards (NAAQS), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPs). The NAAQS establish the allowable ambient concentrations for the following six priority pollutants:

- a. Total suspended particulates (PM-10).
- b. Sulfur dioxide.
- c. Nitrogen dioxide.

d. Carbon monoxide.

e. Ozone.

f. Lead.

The NAAQS apply to pollutant concentrations in ambient air and are not applicable to individual emission sources. For this reason, compliance with these standards is not an issue directly addressed during an environmental quality assurance review. The Clean Air Act, however, mandates that states develop state implementation plans, which set forth regulations on emissions from stationary and mobile sources necessary to achieve and maintain the NAAQS.

Statutory provisions exist concerning the construction and modification of stationary sources in areas where air quality is cleaner than that required by the NAAQS. These provisions are intended to prevent significant air quality degradation in these areas. The "prevention of significant deterioration" regulations establish strict preconstruction guidelines and monitoring requirements. For construction/modification of sources in nonattainment areas, where one or more of the NAAQS are not met, there are similar strict regulations for preconstruction review, emissions control systems, and monitoring.

The NSPS were developed for specific industrial categories to provide a ceiling for emissions from new sources. They are based on the application of the best technology to reduce emissions. These standards include requirements for notification, recordkeeping, performance tests, maintenance, and monitoring.

The NESHAPs were established for air pollutants for which no ambient air quality standards are applicable and that may result in an increase in the incidence of mortality or serious irreversible illness. These standards define emissions limits, monitoring requirements, restrictions on material use, worker practice standards, and reporting

requirements for hazardous pollutants. Compliance with these standards is required for facilities emitting the following pollutants:

- a. Asbestos.
- b. Beryllium.
- c. Mercury.
- d. Vinyl chloride.
- e. Coke oven emissions.
- f. Benzene.
- g. Radionuclides.
- h. Inorganic arsenic.

Note that the requirements pertaining to asbestos can be found later in this appendix under the heading “Asbestos Management Program.”

Section 118 of the Clean Air Act (42 U.S.C. 7418), Control of Pollution from Federal Facilities, contains a broad waiver of sovereign immunity which requires federal facilities to comply with clean air laws. Specifically, “[Federal facilities] shall be subject to, and comply with, all Federal, state, interstate, and local requirements . . . respecting . . . air pollution in the same manner, and to the same extent as any nongovernmental entity.” Section 118(b) provides that the president may exempt a federal facility from compliance. This exemption is subject to the president’s determination that such action is “in the paramount interest of the United States to do so.” The exemption is for 1 year, renewable annually.

Three other sections of the Clean Air Act are applicable to federal facilities:

- a. Section 176(c) prohibits federal agencies from engaging in, supporting, providing financial assistance for, licensing, permitting, or approving any activity that does not conform to a state implementation plan.
- b. Section 304(a) allows for citizen suits against federal facilities (and others).
- c. Section 306 prohibits federal agencies from contracting with anyone convicted of violating the Clean Air Act in certain situations.

The Clean Air Act Amendments of 1990 (Public Law 101-549) were passed because lawmakers have discovered that many original Clean Air Act provisions were inadequate for reducing

pollutants, such as the hydrocarbons and nitrogen oxides from auto exhaust and coal burning that create ozone — a layer of which in the stratosphere protects life from excessive ultraviolet sun rays but that is toxic when inhaled in the atmosphere. Also, new research has revealed the causes of acid rain and stratospheric ozone depletion. Requirements that apply to federal facilities include a redefining of hazardous air pollutants, the development of the concept of maximum achievable control technology (MACT), the redesign of air quality control regions, and the regulation of mobile sources.

The 1990 act focuses on problems that have persisted despite sometimes 20-year local, state, and federal efforts to solve them. Each title is designed to solve a different problem, and the first seven titles affect the Postal Service.

Title I is designed to reduce ozone and carbon monoxide pollution in the largest U.S. cities. The original Clean Air Act system relied on state control plans to improve air quality, but it provided no solution for cities with long-term problems, such as New York, Houston, and Los Angeles. The new law creates a classification system based on severity of pollution and imposes specific control measures for each category.

Title II covers motor vehicles. Although emissions from cars and trucks have been cleaned up dramatically since the 1970s, the number of vehicles also has increased substantially. Because of this, Congress tightened emissions limits and increased the length of warranties required on pollution control equipment.

Title III reflects Congress’ mandate for EPA to begin regulating toxic air pollutants in a timely manner. This title orders the agency to write rules for 189 specific pollutants.

Title IV establishes an entirely new regulatory scheme to control acid rain under which limits will be imposed for the first time to reduce acid deposition, primarily by reducing emissions from coal-burning electric powerplants. This title also establishes an innovative but complex system for buying, selling, and banking sulfur dioxide emission credits.

Title V establishes a comprehensive permit system for emission sources similar to the National Pollutant Discharge Elimination System under the Clean Water Act (see below). The Clean Air Act Amendments require state and local authorities to develop emissions permit programs that meet minimum EPA standards.

Title VI replaces previous language on protecting stratospheric ozone. It incorporates provisions agreed to by 24 countries in the September 1987 Montreal Protocol.

Title VII reauthorizes EPA to issue field citations that are not subject to formal review, and the title allows the agency to assess administrative penalties of up to \$25,000 for each day of a violation. Courts can now impose penalties of up to 5 years in prison plus fines pursuant to Title 18 of the U.S. Code, which covers criminal violations of federal law. The sentences and fines can be doubled for a second offense. Previously, the maximum penalty was \$25,000 per day, or 1 year in prison, or both.

See Handbook AS-551, *Clean Air Act Compliance*, for further details on postal compliance with the Clean Air Act and its amendments.

State and Local Requirements

The primary mechanisms regulating air pollutant emissions are the state or air quality control region regulations. These regulations normally follow the federal guidelines for state programs and have many similar features. However, depending on the type and degree of air pollutant problems within the state or region, the individual regulations vary. For example, ozone problems are widespread in California, and, therefore, the individual air quality control regions in that state have stringent VOC emissions requirements. On the other hand, North Dakota has no such problem and, therefore, has fewer and less stringent VOC regulations.

The NSPS are established for particular pollutants in industrial categories based on adequately demonstrated control technology. Many states have been delegated the authority to enforce the NSPS. When a state has not been delegated the authority, EPA enforces the NSPS in that state.

Waivers from the NSPS for up to 7 years may be obtained to encourage the use of innovative technological systems.

The states usually exercise their authority through a permit system. A permit is normally required for new, expanded, or modified sources of air pollutants. Some state regulations apply directly to certain facilities and operations without requiring a permit. At a minimum, state regulations should be reviewed for the following activities:

- a. Fugitive dust emissions.
- b. Control of particulate emissions from woodworking shops and the transportation of refuse or materials in open vehicles.
- c. Certification requirements for boiler operators.
- d. Emissions and emission control requirements for the operation of existing fossil-fuel-fired steam generators.
- e. Open burning and detonation activities.
- f. Vehicle exhaust emissions testing.
- g. Spray painting of vehicles, buildings, or furniture.
- h. Certification of vehicles transporting VOC liquids.
- i. Paving of roads and parking lots.
- j. Toxic air pollutants.
- k. Operation of cold cleaners, degreasers, and open-top vapor degreasers.
- l. Vapor control requirements for gasoline pumps.

Clean Water Act

Federal Legislation

Congress enacted the Federal Water Pollution Control Act in 1948. Since then, the act has been largely amended by the enactment of the Clean Water Act of 1977 (Public Law 95-217); it is principally codified at 33 U.S.C. 1251, et seq. The Clean Water Act's intent was to restore and protect the integrity of the nation's waters by controlling the discharge of pollutants into those waters.

The Water Quality Improvement Act of 1974 is the primary federal law governing the discharge of oil into navigable waters. This regulation prohibited

the discharge of “harmful” quantities of oil into navigable waters. 40 CFR 110, Protection of Environment — Discharge of Oil, defines “harmful” quantities as those discharges that will cause a sheen or discoloration of the surface of the water or a sludge or emulsion to be deposited beneath the surface of the water.

40 CFR 112, Oil Pollution Prevention — Non-Transportation Related Onshore and Offshore Facilities, was pursuant to Section 311(j)(1)(c) of the Federal Water Pollution Control Act Amendments of 1972. This regulation requires that operators of facilities that have discharged or, because of their location, could reasonably be expected to discharge oil into or onto the navigable waters of the United States prepare a spill prevention, control, and countermeasures (SPCC) plan. This SPCC plan must address the use of pollution prevention equipment, spill response training of operating personnel, the use of secondary containment, and an oil spill contingency plan. “Oil” is defined in 40 CFR 122.2 as oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

The Clean Water Act regulates wastewater discharge directly into navigable or surface waters and those indirect discharges into publicly owned treatment works (40 CFR 403). The Clean Water Act also established the National Pollutant Discharge Elimination System (NPDES), which prohibits the direct discharge of any pollutants from a point source into U.S. waters except by special permits (40 CFR 122).

Section 313(a) of the Clean Water Act (codified at 33 U.S.C. 1323) subjects federal agencies to federal, state, and local water pollution controls both substantively and procedurally. Section 313(a) limits federal facility liability to “civil penalties arising under Federal law or imposed by a state or local court to enforce an order or the process of such court.” As with the Clean Air Act, the Clean Water Act also provides for presidential exemptions for executive branch agencies.

The Clean Water Act also provides for citizen suits against federal facilities for failing to obtain the necessary permits, violations of the terms of a

permit, or violation of effluent standards or limitations (Section 505 (a)(1) and (f), 33 U.S.C. 1365).

The Clean Water Act makes it illegal for any person (including federal facilities) to discharge pollutants from a point source into waters of the United States without a permit (Section 301, 33 U.S.C. 1311). Section 402 (33 U.S.C. 1342(a)) provides for the issuance of such permits (which may be issued by the states — see Section 402(a)(5), 33 U.S.C. 1342(b)) under NPDES, and Section 404 (33 U.S.C. 1344) provides for the issuance of permits for discharges of dredged or fill material. (*Note:* Certain federal projects specifically authorized by Congress do not require Section 404 permits.)

See Handbook AS-554, *NPDES/Stormwater Guide*, for more details on postal compliance with NPDES and the Clean Water Act — in particular, with respect to vehicle maintenance facilities.

State and Local Requirements

States normally have wastewater discharge legislation and regulations that require permitting similar to the NPDES program. The state is often delegated authority to administer the NPDES permits for discharges in their state. These permits are often joint permits issued pursuant to both federal Clean Water Act and state legislation. In some cases, the state will not administer the NPDES program and will issue a state permit, even though a NPDES permit has been issued by EPA. This dual permitting is common. The states and EPA normally cooperate in the permit issuance process to ensure that the two permits are consistent, but there may be differences in monitoring requirements and the number of pollutants limited. The requirements for the two permits normally do not conflict, but this may mean additional sampling and dual reporting.

States also have more stringent requirements for wastewater treatment plant operations. Many states have sanitary treatment plant operator licensing and certification programs that require operators to pass an exam and have a required level of experience.

Local entities (counties and cities) also may have enforceable wastewater discharge limitations that

regulate discharges to an offsite publicly owned treatment works. Local limitations often include pH, temperature, and concentrations of various organic and inorganic compounds. Major industrial operations may require a publicly owned treatment works permit and a monitoring program.

Many states and some major metropolitan and regional planning agencies have developed legislation and implemented regulations that closely parallel the federal statutes. Some, however, may differ in important ways, and the reviewer should obtain copies of the state or local requirements for oil and hazardous substance pollution contingency (OHSPC) and SPCC plans, where appropriate, and assess them for those differences before conducting the environmental quality assurance reviews. In particular, the reviewer should check for differences in the definitions of reportable quantities and the specific procedures for reporting spills that may exist in state and local regulations. In all cases, the most stringent regulations should be followed.

Safe Drinking Water Act

Federal Legislation

The Safe Drinking Water Act (Public Law 93-523 and its amendments, specifically the Safe Drinking Water Amendments of 1977 (Public Law 95-190) and the Safe Drinking Water Amendments of 1986 (Public Law 99-339), generally codified at 42 U.S.C. 300f-300j) specify a system for the protection of drinking water supplies through the establishment of contaminant limitations and enforcement procedures. EPA has promulgated contaminant limitations in two phases: primary drinking water standards to protect public health and secondary drinking water standards affecting the aesthetic qualities of drinking water. In addition, the Safe Drinking Water Act mandates the regulation of underground drinking wells to protect drinking water sources through the Underground Injection Control Program (40 CFR 144), which prohibits any underground injection of waste, except as authorized by permit or rule.

The 1986 amendments to the Safe Drinking Water Act require states to develop programs to protect wellhead areas. Section 1428(h) of the amendments requires all federal agencies having

jurisdiction over any potential source of contaminants identified by a state wellhead protection program to be subject to and comply with all requirements of the state program "as any other person, including payment of reasonable charges and fees."

The National Primary Drinking Water Regulations (40 CFR 141) were promulgated pursuant to the Safe Drinking Water Act and, among other things, specify maximum contaminant levels for the following six categories of contaminants:

- a. Inorganic chemicals.
- b. Organic chemicals.
- c. Turbidity.
- d. Microbiological contaminants.
- e. Natural radioactivity.
- f. Humanmade radionuclides.

The National Secondary Drinking Water Regulations (40 CFR 143) establish secondary maximum contaminant levels for 13 contaminants that affect the aesthetic qualities of drinking water. At much higher concentrations of these contaminants, health implications may exist in addition to aesthetic degradation. Compliance with the National Secondary Drinking Water Regulations is optional.

The Safe Drinking Water Act requires each federal activity with jurisdiction over a public water system to comply with applicable federal, state, or local requirements, whether substantive or administrative, "in the same manner, and to the same extent, as any nongovernmental entity." The Safe Drinking Water Act also provides for citizen suits for noncompliance.

State and Local Requirements

States have primary responsibility ("primacy") to enforce compliance with the national primary drinking water standards and sampling, monitoring, and notice requirements in conformance with 40 CFR 141. EPA executes the enforcement responsibilities until individual state programs are approved.

States that have primacy may establish drinking water regulations, monitoring schedules, and reporting requirements more stringent than, or in addition to, those in the federal regulations. It is

very important to remember that federal public water systems in these states are required to comply with these additional requirements. Generally speaking, most states that have primacy adopt drinking water regulations that closely reflect the federal requirements. Almost all states have achieved authorization from EPA to administer drinking water compliance programs, including underground injection control programs.

Resource Conservation and Recovery Act Subtitle C

Federal Legislation

The Resource Conservation and Recovery Act (RCRA) (Public Law 94-580, 42 U.S.C. 6901) and its amendments mandated regulations that control hazardous waste from its origin to ultimate treatment, storage, or disposal. All postal facilities and activities are responsible for complying with these regulations. Facilities located in states that have interim or final authorization to run their own RCRA program are responsible for being knowledgeable of and following state requirements. While some state programs are identical to the federal guidelines, others may have more stringent requirements.

The requirements of RCRA with respect to federal facilities subject them to federal, state, and local requirements just as any nongovernmental entity. RCRA Section 6001, Application of Federal, State, and Local Law to Federal Facilities, states that all branches of the federal government that have jurisdiction over any solid waste management facility or disposal site must comply with federal, state, and local solid waste or hazardous waste disposal requirements. The president may exempt any solid waste management facility of any department or agency if it is “in the paramount interest” of the United States. An exemption may be granted for 1 year.

There are several other sections of RCRA that have specific application to federal facilities. Section 3004(u), Continuing Releases at Permitted Facilities, and Section 3004(v), Corrective Action Beyond Facility Boundary, state that all treatment, storage, and disposal facilities must satisfy new requirements. These requirements involve the following:

- a. Identifying all solid waste management units at the facility.
- b. Identifying releases of hazardous wastes or constituents that have occurred from those units.
- c. Performing corrective action for those releases. (These provisions are covered below under the heading “Environmental Program Management.” The provisions apply to all regulated facilities — inactive and closed as well as operating units. All federal facilities are subject to corrective action requirements to the same extent as any facility owned or operated by private parties.)

Every Part B permit application submitted under RCRA must include schedules of compliance for corrective action (where corrective action cannot be completed before issuance of the permit) for all releases of hazardous waste or “constituents” from solid waste management units, regardless of when the waste was placed there. The permit applicant thus must provide full disclosure of all locations within the facility’s boundaries where wastes may have been managed since the site was originally opened and must provide for action to abate any damage that any release of hazardous waste or constituents may have caused.

Section 3004 also requires federal agencies to operate under the same property-wide definition of “facility” — the entire site under control of the owner or operator involved in hazardous waste management. In 1986, EPA interpreted ownership to refer not to the United States as a whole but rather to individual federal departments, agencies, and instrumentalities (51 FR 7722 (1986)).

Section 3007(c), Inspections, states that the EPA administrator will annually inspect all federal agency hazardous waste treatment, storage, and disposal facilities. Additional state inspections of such facilities may also occur.

Facilities must, upon written request from the state, compile, publish, and submit information relating to onsite waste storage and disposal that has taken place before permits were required. Specifically, the amount, nature, and toxicity of such waste must be ascertained, and any

resulting health or environmental hazards must be assessed.

Facilities are also required to inform the general public of toxic chemicals stored onsite and any release of them, as defined in 40 CFR 372.65. This regulation is addressed in this appendix under "CERCLA/SARA."

Section 3016, Inventory of Federal Agency Hazardous Waste Facilities, provides that each federal agency must submit to EPA an inventory of the sites that it owns or operates or has previously owned or operated where hazardous waste is or was stored, treated, or disposed at any time. The inventory should be submitted biennially and include the following information:

- a. Location of the site.
- b. Amount and toxicity of the waste.
- c. Extent of environmental contamination.
- d. Current status of the site.
- e. List of disposal sites at the facility and monitoring reports.
- f. Response actions.
- g. Identification of waste treatment, storage, or disposal techniques.
- h. Name and address of the responsible federal agency for each site.

If a facility does not provide adequate information, the EPA administrator will notify the chief official of that agency. If after 90 days an inventory has not been developed, the administrator shall carry out the inventory. EPA procedures for developing this inventory are modified every 2 years.

Other actions include RCRA Subtitle F, Federal Responsibilities. This includes Section 6002, Federal Procurement, which states that each procuring agency must select those items made of the highest percentage of recovered materials practicable unless such items are unreasonable, fail to meet performance standards, or are only available at an unreasonable price. Section 6002 is followed through postal policy. Section 6003, Cooperation with Environmental Protection Agency, states that all federal agencies must make available all information required by the EPA administrator concerning past or present waste management practices and past or

presently owned, leased, or operated solid or hazardous waste facilities.

Section 6004, Applicability of Solid Waste Disposal Guidances to Executive Agencies, states that executive agencies must comply with solid waste management regulations where the agency:

- a. Has jurisdiction over real property or the operation of a facility that is involved in solid waste management.
- b. Generates solid waste and, if this generation is conducted by a person other than the agency, is required to have a permit or license to dispose of the waste.

Section 9007, Federal Facilities, states that federal facilities' underground storage tanks containing regulated substances or petroleum must comply with all federal, state, and local requirements. Underground storage tanks are covered in the discussion below on RCRA Subtitle I. (*Note:* There are also requirements for hazardous waste storage tanks regulated under Subtitle C of RCRA.) The president may exempt a federal agency from compliance if it is determined to be "in the paramount interest of the United States." The exemption is granted for 1 year and may only be renewed at 1-year intervals.

General and technical standards under RCRA for treatment, storage, and disposal facilities are contained in two parts. Permitting standards, contained in 40 CFR 264, are applied through the RCRA permitting process and regulate long-term continued operation of a treatment, storage, and disposal facility. Interim status standards, contained in 40 CFR 265, regulate the operation of existing treatment, storage, and disposal facilities before receipt of a RCRA permit. The 40 CFR 264 standards are generally more complete and stringent. This protocol is based primarily on the 40 CFR 264 permitting standards. An exception is the use of 40 CFR 265 standards for accumulation points, which is allowed by the "less than 90 day storage" provisions of 40 CFR 262.34.

The Land Disposal Restrictions Program (40 CFR 268) is unique in that it provides a catalyst for the banning of untreated wastes from land disposal.

As of August 8, 1988, all land disposal methods including underground injection wells were covered by these regulations. Several categories of waste are covered by the “land ban” rules. Also, many solvents are given special treatment standards. A list of wastes to be covered by the land ban was established and divided into three parts. These parts (or “thirds”) were gradually phased into the land ban program. Although referred to as the “California List Rule,” these waste rules are applicable to all states. Congress adopted this list, which consists of liquid hazardous wastes containing metals, cyanides, PCBs, corrosives with a pH of 2.0 or less or greater than 12.5, and liquid and nonliquid hazardous wastes containing halogenated organic compounds.

A complete review of 40 CFR parts 260 through 270 is required, as well as state regulations to adequately assess a facility’s hazardous waste management program. Postal facility managers, regional environmental steering committees, and division environmental coordinators should be familiar with the following regulations:

- a. 40 CFR 260 — Hazardous Waste Management System: General.
- b. 40 CFR 261 — Identification and Listing of Hazardous Waste.
- c. 40 CFR 262 — Standards Applicable to Generators of Hazardous Waste.
- d. 40 CFR 263 — Standards Applicable to Transporters of Hazardous Waste.
- e. 40 CFR 264 — Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- f. 40 CFR 265 — Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- g. 40 CFR 266 — Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- h. 40 CFR 267 — Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities.
- i. 40 CFR 268 — Land Disposal Restrictions.
- j. 40 CFR 270 — Administered Permit Programs: The Hazardous Waste Permit Program.
- k. 40 CFR 271 — Requirements for Authorization of State Hazardous Waste Programs.
- l. 40 CFR 372 — Toxic Chemical Release Reporting: Community Right-to-Know.
- m. 49 CFR 172 through 49 CFR 179 — Transportation of Hazardous Waste.

See Handbook AS-553, *Hazardous Waste Management Guide*, for further information on Postal Service compliance with RCRA.

State and Local Requirements

Many states have met EPA requirements in 40 CFR 271 and have been authorized to manage their own state programs. RCRA encourages states to develop hazardous waste statutes and to operate regulatory programs in lieu of the federal EPA-managed program. Many states have adopted the EPA regulations by reference or have promulgated regulations identical to the EPA regulations. Several other states have developed hazardous waste regulatory programs that are substantially equivalent to the federal program or have implemented programs significantly more stringent than the EPA program.

These differences between individual state regulations and the federal program require that reviewers check the status of the state’s authorization and then determine which regulations apply. Because the protocol worksheets are based exclusively on the requirements of the federal RCRA/EPA program, it is necessary to determine in what ways the applicable state program differs from the RCRA/EPA program.

In all cases, the most stringent regulations should be followed.

Resource Conservation and Recovery Act Subtitle D

Federal Legislation

Subtitle D of RCRA has established federal standards for the management of nonhazardous solid wastes. The primary goals of the subtitle are to encourage:

- a. Environmentally sound solid waste management practices.
- b. Recycling of waste materials.
- c. Resource conservation.

Subtitle D of RCRA establishes the framework for federal, state, and local government cooperation in controlling the management of nonhazardous solid wastes. The federal role in this arrangement is to establish the overall regulatory direction, to provide minimum standards for protecting human health and the environment, and to provide technical assistance to states for planning and developing environmentally sound waste management practices. The actual planning and direct implementation of solid waste programs under Subtitle D, however, remain state and local functions.

The Solid Waste Disposal Act of 1965, as amended by RCRA, requires that federal facilities comply with all federal, state, interstate, and local requirements concerning the disposal and management of solid wastes. These requirements include permitting, licensing, and reporting. The major parts of the 1965 act include the following:

- a. 40 CFR 240, Guidelines for the Thermal Processing of Solid Waste, regulates incinerators that process a minimum of 50 tons per day.
- b. 40 CFR 241, Introduction of Solid Waste, covers the land disposal of solid wastes.
- c. 40 CFR 243, Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste, addresses the requirements for the storage and collection of solid waste materials.
- d. 40 CFR 244, Solid Waste Management Guidelines for Beverage Containers, develops minimum requirements for the management of beverage containers.
- e. 40 CFR 245, Promulgation of Resource Recovery Facilities Guidelines, establishes requirements for the resource recovery of residential, commercial, or institutional solid waste.
- f. 40 CFR 246, Source Separations for Materials Recovery Guidelines, addresses source separation for materials recovery.

The 1984 Hazardous and Solid Waste Amendments to RCRA are the most recent addition to the bank of federal laws regulating the disposal of solid wastes. These amendments added a number of previously unlisted materials to the growing list of waste defined as hazardous. These include chlorinated dioxins and dibenzofurans, solvents, refining wastes, chlorinated aromatics, lithium batteries, paint production wastes, and a large number of similar compounds and waste materials (see Handbook AS-553, *Hazardous Waste Management Guide*).

State and Local Requirements

The transport and disposal of solid waste are heavily regulated at the state or local level of government. Most states and municipalities have developed their own code of regulations governing the permitting, licensing, and operations of landfills, incinerators, and source separation/recycling programs. Many of these state and local requirements are more stringent than federal rules, and the reviewer should carefully evaluate state and local rules and regulations before conducting an environmental quality assurance review of a postal facility.

Resource Conservation and Recovery Act Subtitle I

Federal Legislation

The 1984 amendments to RCRA (Public Law 94-580, 42 U.S.C. 6912, and 42 U.S.C. 6991) also included provisions, under Subtitle I, for underground storage tanks. RCRA codified a comprehensive regulatory program for underground storage tanks that store petroleum, petroleum byproducts, or substances defined as hazardous under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

40 CFR 280, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs), and 40 CFR 281, Approval of State Underground Storage Tank Programs, fulfill the requirements of RCRA Subtitle C Sections 9003(a), (c), and (e), and 9009(a) and (b). There are several elements in these regulations, beginning with standards for the installations of new underground storage tank

systems and the certifications of these installations. Owners and operators of underground storage tank systems are required to certify all repairs done to existing and new systems. Filling practices must be monitored to prevent overfills and spills. All underground storage tank systems must have release detection systems either installed with the new tank or phased in over a 5-year period, depending on the age of the existing tank. Tanks are subject to monthly release detection monitoring and annual tank tightness testing. Reporting requirements include notice of the installation of an underground storage tank, suspected release or spill, temporary removal from service, and permanent removal. Section 9002 of RCRA has barred the installation of unprotected tanks since May 7, 1985.

40 CFR 300, National Oil and Hazardous Substances Pollution Contingency Plan, contains the regulations that require the establishment and maintenance of an OHSPC plan. Most postal facilities call this type of plan an emergency action plan and employ this and an SPCC plan (see Chapter 4 of Handbook AS-554, *NPDES/Stormwater Guide*). 40 CFR 302, Designation, Reportable Quantities, and Notification, as amended, defines reportable spill quantities. (See the section of this appendix titled “Hazardous Materials Management,” which addresses compliance with this regulation for substances other than oil.)

State and Local Requirements

Many state and local governments also have active underground storage tank programs. These various governments have developed regulations specific to the physical environment and the regulated communities’ needs. Postal Service environmental reviewers must assess regulations at the state and local levels to determine whether there are any differences between the requirements, such as reporting or notice requirements and monitoring requirements. In all cases, the most stringent regulation must be followed.

Comprehensive Environmental Response, Compensation, and Liability Act and Superfund Amendments and Reauthorization Act (CERCLA/SARA)

Federal Legislation

CERCLA was enacted on December 11, 1980, as a series of programs to remedy uncontrolled releases of contaminants from hazardous waste sites. CERCLA addresses past, present, and threatened releases of hazardous substances, pollutants, and contaminants that “may pose an imminent and substantial danger to the public health or welfare” (CERCLA Section 104(a)(1)). Notification and response procedures and authorities for these releases are established in the law, with the provision that they are subject to the more detailed regulatory descriptions provided in EPA’s National Oil and Hazardous Substances Pollution Contingency Plan, also known as the National Contingency Plan.

SARA was passed in October 1986 to reauthorize the funding provisions and to amend the authorities and requirements of CERCLA and associated laws. SARA is divided into five major titles, including:

- a. Title I — Provisions Relating Primarily to Response and Liability contains most of the amendments to CERCLA. Of particular interest is Section 120, in which response actions at federal facilities are addressed.
- b. Title II — Miscellaneous Provisions includes additional amendments to CERCLA and to other associated laws.

Under CERCLA (also known as Superfund), EPA has promulgated regulations in 40 CFR 302 that require notification to EPA whenever there is a release of a reportable quantity of any hazardous substance. Release into the environment is interpreted broadly to mean release into water or air or onto land. If a release is contained within a building or closed facility, it does not need to be reported under these regulations. The regulations

specify reportable quantities of 1 pound for all hazardous substances other than those with different reportable quantities as listed in Table 302.4 of 40 CFR 302. Any postal facility that releases a reportable quantity of a hazardous substance must comply with these regulations.

Under SARA (also known as Title III), the Emergency Planning and Community Right-to-Know Act of 1986 was passed. This act was designed to promote emergency planning and preparedness at both the state and local levels. It provides citizens and local governments with information regarding the potential hazards in their community. The act requires the use of emergency planning and designates state and local governments as recipients for information regarding chemicals and toxins used in the community. Although federal facilities are not legally required to comply with Title III, the Postal Service has followed through its substantive requirements.

Executive Order 12088, Federal Compliance with Pollution Standards, signed on October 13, 1978, requires federally owned and operated facilities to comply with all federal, state, and local environmental regulations. It makes the head of each executive agency responsible for ensuring that the facilities, programs, and activities the agency funds meet federal, state, and local environmental requirements; also, situations that are not in compliance with such regulations must be corrected. The executive order requires that each agency ensure that sufficient funds for environmental compliance are included in the agency's budget. This order also relates to the Toxic Substances Control Act, hazardous materials management, and asbestos management, and the section of this appendix on the National Environmental Policy Act contains further information.

State and Local Requirements

SARA requires for federal facilities that:

State laws concerning removal and remedial action, including state laws regarding enforcement, shall apply to removal and remedial actions at facilities owned or operated by a department, agency, or instrumentality of the United States when such facilities are not

included on the National Priorities List. (Section 120(a)(4))

Only a few states have CERCLA-like laws. These laws apply to sites not on the National Priorities List, and consequently certain authorities and requirements will vary from state to state.

State (and local) applicable or relevant and appropriate requirements (ARARs) are those cleanup standards, standards of control, and other substantive environmental protection requirements, criteria, or limitations promulgated under federal law or limitations promulgated under federal or state law that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site. Relevant and appropriate requirements, criteria, or limitations promulgated under federal or state law that, while not applicable to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that are well suited to the particular site. ARARs are used to establish the standards for cleanup as a function of the chemicals involved, the location, the suspected health effects, and response action technologies proposed at the site.

Toxic Substances Control Act

Federal Legislation

The Toxic Substances Control Act (TSCA) of 1976 (Public Law 94-469, 15 U.S.C. 260) requires EPA to regulate and control harmful chemicals and toxic substances in commercial use. The Toxic Substances Control Act specifies that all agencies of the federal government must fully comply with its requirements. Congress enacted the act to reduce unreasonable risks from chemicals to human health and the environment. Section 6 of the act addresses the regulation of polychlorinated biphenyls (PCBs). The federal regulations for PCBs are contained in 40 CFR 761, PCB Regulations.

These regulations include specific requirements for most uses of PCBs. The uses most likely to be present at postal installations are in the following systems or applications:

- a. Transformers.
- b. Capacitors.
- c. Heat transfer systems.
- d. Hydraulic systems.
- e. Electromagnets.
- f. Switches and voltage regulators.
- g. Circuit breakers, reclosers, and cables.

40 CFR 761 contains the regulations to control the use, storage, and disposal of PCBs and PCB items. Part 761 provides definitions and categorizes PCBs in three concentration ranges: less than 50 parts per million (ppm); between 50 and 500 ppm; and greater than 500 ppm.

State and Local Requirements

Some states have agreements with EPA to administer the federal regulations. According to the general structure of federal regulatory programs, any state regulations must adopt the federal regulations as a minimum set of requirements. In some cases, state regulations have been developed to regulate PCBs more stringently than the federal program. State PCB regulations may provide additional regulatory requirements beyond the federal program to address a specific concern or activity that is extremely sensitive in that state. State regulations may supersede the federal regulations in areas including the following:

- a. PCBs may be regulated as a hazardous waste.
- b. PCBs may be regulated to a lower concentration. For example, regulated PCBs in one state are defined to be materials and fluids that contain PCBs at a concentration greater than 7 ppm.
- c. Shipments of PCBs may require manifest documents.
- d. Analyses may be required to quantify the PCB concentration in all PCB items.
- e. Additional inspections of select PCB items and specific disposal requirements for PCBs and PCB items may also be required.
- f. Generators of PCBs and PCB items may be required to obtain disposal permits.

Hazardous Materials Management

Federal Legislation

EPA's National Oil and Hazardous Substances Pollution Contingency Plan under CERCLA (40 CFR 300) provides the framework for implementing response actions in accordance with the statutory requirements of CERCLA and the spill provisions of the Clean Water Act. The Hazardous Materials Transportation Act, which is administered by the U.S. Department of Transportation (DOT), regulates the shipping, marking, labeling, placarding, and recordkeeping requirements for hazardous materials listed in 49 CFR 172.101. Because most postal facilities are not shippers of hazardous materials but use commercial transportation firms for this purpose, the requirements of these DOT regulations may not be applicable. However, those postal facilities that do ship hazardous materials either by vehicle or by aircraft do have responsibilities for compliance with the USPS mailability.

EPA regulates some special hazardous materials under the Toxic Substances Control Act, particularly polychlorinated biphenyls (PCBs) (40 CFR 761) and asbestos (40 CFR 763). These materials are covered in separate sections of this appendix. (See also AS-553, *Hazardous Waste Management Guide*.)

EPA also regulates underground storage tanks used to contain petroleum and other hazardous materials as a result of 1984 amendments to RCRA. The underground storage tank regulations are contained in 40 CFR 280 (see the discussion on RCRA Subtitle I for information on underground storage tanks).

The Occupational Safety and Health Administration (OSHA) safety and health standards are specified in 29 CFR 1910 and govern the storage and handling of flammable and combustible liquids. Even though not considered strictly as environmental regulations, they are included here because they are considered to be an integral part of a total program for hazardous materials management. The National Fire Code, the Flammable and

Combustible Liquids Code NFPA 30, prohibits the storage of Class I and Class II liquids in plastic containers in general-purpose warehousing.

State and Local Requirements

Hazardous materials are not usually regulated on the state level. However, local agencies (such as county and city fire departments) will normally require flammable and combustible materials to meet certain storage requirements. Usually, these local ordinances will follow the National Fire Protection Association (NFPA) *Fire Protection Guide on Hazardous Materials*.

Federal Insecticide, Fungicide, and Rodenticide Act

Federal Legislation

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Public Law 92-516, 7 U.S.C. 136 et seq.), EPA is responsible for the registration of new pesticides and for their reregistration to ensure that, when used according to label directions, they will not present any unreasonable risks to human health or the environment. FIFRA regulations apply to persons who manufacture, market, formulate, distribute, use, or dispose of pesticides and pesticide containers.

The OSHA safety and health standards at 29 CFR 1910 govern the storage and handling of flammable and combustible liquids. Even though not considered strictly as environmental regulations, they are included here because they play a part in the pest management process.

40 CFR Chapter 1, Subchapter E, Pesticide Programs, contains regulations pertaining to the management of pesticides in 40 CFR 152-186. 40 CFR 162 (later revised to include 40 CFR 156) contains the definitions, labeling requirements, and other classification information. 40 CFR 165 contains regulations for the storage, disposal, and overall management of pesticides and pesticide containers. 40 CFR 171 addresses the certification of persons who apply restricted-use pesticides.

40 CFR 165, Regulations for the Acceptance of Certain Pesticides and Recommended

Procedures for the Disposal and Storage of Pesticides and Pesticide Containers, also provides the federal facility and operating requirements for the storage and application of pest management chemicals. The regulations in 40 CFR 165 that address the disposal of pesticides and pesticide containers apply to all pesticides. Pesticide containers registered for home or garden use are exempt from these regulations if they are securely wrapped in several layers of paper and disposed of singly in a municipal solid waste facility. The recommended procedures and criteria for the storage of pesticides and pesticide containers provided in 40 CFR 165 apply to facilities that store pesticides classified as toxic or moderately toxic and bearing the signal words “danger,” “poison,” or “warning” or the skull and crossbones symbol. Pesticides registered under an experimental-use permit should also be stored and managed in accordance with 40 CFR 165.

40 CFR 171, Certification of Pesticide Applicators, outlines the categories and standards for the certification of commercial and private applicators of restricted-use pesticides as well as requirements for the submission and approval of state plans for certification. Competence in the use and handling of restricted-use pesticides is determined on the basis of written exams covering the general standards applicable to all categories of pesticide applicators as well as additional standards for each category for which the applicator is seeking certification.

State and Local Requirements

State pesticide regulatory programs are to be at least as stringent as FIFRA. State and local programs typically contain regulations tailored to an industry or activity that is prevalent or particularly sensitive in a state. In many cases, state and local pesticide regulations provide more stringent standards or specifically identify a requirement that may be qualitatively regulated under the federal program.

State and local pesticide programs generally include regulations addressing the following topics:

- a. Restrictions or requirements for the sale, distribution, or use of selected pesticides.
- b. Disposal requirements for excess pesticides and pesticide wastes such as pesticide containers.
- c. Restrictions on the control of specific animal or insect species.
- d. Specifications for bulk pesticide storage tanks and storage facilities.
- e. Operational requirements for selected application methods.
- f. Recordkeeping and applicator certification requirements.

National Historic Preservation Act and Cultural Resources

Federal Legislation

The National Historic Preservation Act of 1966, as amended (Public Law 89-665, 16 U.S.C. 470-470w-6), establishes historic preservation as a national policy and defines it as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, or engineering. The amendments of 1980 establish guidelines for nationally significant properties, curation of artifacts, and data documentation of historic properties and for the preservation of federally owned historic sites. The amendments also require the designation of a federal historic preservation officer in each federal agency, authorize the inclusion of historic preservation costs in project planning costs, and authorize the withholding of sensitive data on historic properties when necessary. Section 106 provides direction for federal agencies for undertakings that affect properties listed, or eligible for listing, in the National Register and is implemented by regulations (36 CFR 800) issued by the Advisory Council on Historic Preservation. Section 110 requires federal agencies to locate, inventory, and nominate all properties that may qualify for the National Register. Applicable regulations are 36 CFR 60, National Register of Historic Places, 36 CFR 63, Determination for Eligibility for Inclusion in the National Register of Historic Places, and 36 CFR 800, Protection of Historic Properties (Advisory Council on Historic

Preservation). 36 CFR 78 provides a waiver of responsibility for federal agencies of the requirements of the National Historic Preservation Act of 1966 in the event of a major natural disaster or imminent threat to national security.

The National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190, 42 U.S.C. 4321-4347) states the policy of the federal government to preserve important historic, cultural, and natural aspects of our national heritage and requires consideration of environmental concerns during project planning and execution. NEPA requires federal agencies to prepare an environmental impact statement for every major federal action that affects the quality of the human environment, including both natural and cultural resources. This act also applies to the next section, "Endangered Species Act and Natural Resources." (See the discussion on NEPA below for regulations pertaining to the environmental impact statement process.)

Executive Order 11593, Protection and Enhancement of the Cultural Environment, signed on May 13, 1971 (reprinted as a note at 16 U.S.C. 470), directs federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation. It also asks agencies to ensure the preservation of cultural resources, to locate, inventory, and nominate to the National Register all properties under their control that meet the criteria for nomination, and to ensure that cultural resources are not inadvertently damaged, destroyed, or transferred before the completion of inventories and evaluation for the National Register.

State and Local Requirements

Postal policy is to cooperate with the states to the maximum extent possible. In all cases, the most stringent regulations should be followed. The state historic preservation officer is largely responsible for implementing the National Historic Preservation Act. This individual is a consulting party to federal undertakings reviewed in accordance with the National Historic Preservation Act. This person must be provided an opportunity to comment on all installation

undertakings that may have an effect on significant historic properties.

Endangered Species Act and Natural Resources

Federal Legislation

The Endangered Species Act of 1973 (Public Law 93-205), as amended, requires federal agencies to carry out programs to protect and conserve federally listed endangered and threatened plants and wildlife. Such programs must be developed and carried out with consultation and assistance from the Departments of the Interior and Commerce and the proper state agencies. All postal actions authorized, funded, or carried out must not jeopardize the continued existence of endangered or threatened plants and wildlife, nor result in the destruction or adverse modification of critical habitat. Any action that may affect federally listed species or their critical habitats requires consultation with the U.S. Fish and Wildlife Service. 50 CFR 402 and 50 CFR 17 interpret and implement the Endangered Species Act.

The Sikes Act (16 U.S.C. 670a-670f) addresses fish and wildlife conservation and requires facilities to execute cooperative plans with the Fish and Wildlife Service and states for managing fish and wildlife. It allows facilities to charge fees for hunting and fishing permits and requires that these fees be used for fish and wildlife conservation on the facility site.

The Fish and Wildlife Conservation Act of 1980 (Public Law 96-366, 16 U.S.C. 2901 et seq.) promotes state programs for the purpose of conserving, restoring, or otherwise benefiting nongame fish and wildlife, their habitats, and their uses. The Wild and Scenic Rivers Act of 1968 (30 CFR 297) prohibits the use of federal funds for activities that would have an adverse effect on those characteristics that caused a river to be classified as wild, scenic, or recreational.

The Farmland Protection Policy Act of 1981 (7 CFR 658) minimizes the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural use. Facility lands, when suitable and available, may be leased for cropland or grazing. 10 U.S.C. 2667 provides for the use of the funds generated by

these leases for the administrative costs of the leases, as well as the financing of multiple-use land management programs at the facility.

Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands, address the actions federal agencies must take to:

- a. Identify and protect floodplains and wetlands.
- b. Minimize the risk of flood loss and destruction of wetlands.
- c. Preserve and enhance the natural and beneficial values of both floodplains and wetlands.

State and Local Requirements

The Fish and Wildlife Conservation Act gives implementing authority to the state. Postal policy is to cooperate with the states to the maximum extent possible. States develop regulations and good management practices for the protection of surface waters and the prevention of nonpoint source pollution. These practices primarily apply to agricultural and silvicultural (forestry) activities, but they are also to be followed whenever any activity may affect surface waters or contribute to nonpoint source pollution.

National Environmental Policy Act

Federal Legislation

NEPA (42 U.S.C. 4321 et seq., as amended) establishes policy, sets goals, and provides means for carrying out the policy of using all practicable means to promote the general welfare of the environment. Specifically, NEPA requires federal agencies to incorporate into their planning and decisionmaking processes an analysis of the effects (if any) certain proposed actions would have on the environment and the possibilities for mitigating or avoiding completely any adverse environmental effects. To ensure that the proper attention to, and regard for, the environment is undertaken, NEPA contains certain "action-forcing" provisions contained in Section 102(2). These provisions include the following:

- a. Use of systematic and interdisciplinary approaches to environmental issues to ensure that natural and social science methods and considerations are given the same attention as economic and technological considerations.

- b. Development of methods to quantify and evaluate environmental amenities and values to properly compare environmental factors with economic and technological factors when making decisions.
- c. Preparation of an extensive environmental evaluation or environmental impact statement for certain federal actions involving substantial impacts on the environment.

The environmental impact statement applies to major federal actions significantly affecting the quality of the human environment. It includes the production and analysis of environmental documentation concerning the environmental effect of the proposed federal action, any adverse environmental effects that cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. NEPA also empowers the Council on Environmental Quality to develop procedures that federal agencies must follow in implementing the spirit and letter of the act.

The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act are promulgated by the council (contained in 40 CFR 1500-1508) and are designed to direct federal agencies to follow certain requirements to fulfill the mandate of environmental protection set out in NEPA. These regulations serve to accomplish the following:

- a. Direct federal agencies to apply the NEPA process early in the agency's planning and decisionmaking processes.
- b. Describe when and how agencies are to prepare environmental assessments, impact statements, and related environmental documentation.
- c. Detail the procedures to be used in eliciting and analyzing comments concerning proposed actions that have the potential to affect the environment.
- d. Set out procedures for resolving interagency disputes.
- e. Detail procedures for agency decision making.
- f. Describe other requirements contained in NEPA.
- g. Establish a glossary of relevant NEPA and Council on Environmental Quality terms.

Executive Order 12088, which requires federally owned and operated facilities to comply with all federal, state, and local environmental regulations, also applies to NEPA. It makes the head of each executive agency responsible for ensuring that the agency's facilities, programs, and activities meet federal, state, and local environmental requirements and that situations that are not in compliance with such regulations are corrected. This is to be done in cooperation with EPA and state, interstate, and local agencies. In addition, the executive order requires that each agency ensure that sufficient funds for environmental compliance are included in the agency budget and that an annual plan for the control of environmental pollution containing any necessary improvements in the design, construction, management, operation, and maintenance of federal facilities and activities is prepared. Exemptions from applicable pollution control standards are very limited and can only exist if the president determines that such exemption is necessary either in the interest of national security or in the paramount interest of the United States.

State and Local Requirements

Reviewers need to inquire about any state or local requirements under the NEPA process.

Asbestos Management

Federal Legislation

The National Emission Standards for Hazardous Air Pollutants (NESHAPs) were developed for air pollutants for which no ambient air quality standards are applicable and that may result in an increase in the incidence of mortality or serious irreversible illness. Asbestos is one of the air pollutants for which standards define emission limits, monitoring requirements, worker practice

standards, restrictions on material use, and disposal and reporting requirements.

Requirements pertaining to asbestos are included in regulations promulgated pursuant to the Clean Air Act and the Toxic Substances Control Act. The Clean Air Act Amendments of 1970 required EPA to develop NESHAPs. The Clean Air Act also established standards for asbestos emissions during renovation and demolition projects. In 1971, EPA listed asbestos as a hazardous air pollutant and established emissions standards for asbestos in 40 CFR 61, Subpart M, National Emissions Standards for Hazardous Air Pollutants, for the following areas:

- a. Manufacturing.
- b. Fabrication.
- c. Spray application.
- d. Waste packaging.
- e. Labeling.
- f. Disposal.

The Asbestos Hazard Emergency Response Act (AHERA) (Public Law 99-519) amended the Toxic Substances Control Act in 1986 to include regulations that require local education agencies to inspect their school buildings for materials containing asbestos, develop asbestos management plans, and implement response actions in a timely fashion. Regulations under AHERA for schools are contained in 40 CFR 763, Subpart E, Asbestos. Regulations governing asbestos abatement projects and employees who take part in asbestos removal are in 40 CFR 763, Subpart G.

The Hazardous Materials Transportation Act was amended in 1978 to regulate the transport of asbestos materials. The regulations are contained in 49 CFR 172-177. In particular, 49 CFR 177, Transportation of Hazardous Waste, requires that asbestos be loaded, handled, and unloaded in a manner that will minimize occupational exposure to airborne asbestos. Asbestos wastes transported for disposal at a landfill or other disposal facility must meet all applicable requirements.

The OSHA safety and health standards specified in 29 CFR 1910 address occupational exposure

and acceptable levels of exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and construction. Because these regulations are not considered environmental regulations, they are not included here.

State and Local Requirements

Many state and local governments have enacted standards more stringent than the federal requirements. If a facility is involved in asbestos removal or disposal, it must contact the appropriate state and local agencies.

Noise Abatement

Federal Legislation

The Noise Control Act of 1972 established that federal agencies, when engaged in an activity resulting in the emission of noise, should comply with federal, state, interstate, and local requirements respecting control and abatement of environmental noise to the same extent as private entities. Even though the primary operational interest of this legislation as well as the Aviation Safety and Noise Abatement Act is directed toward aircraft and airports, the principles involved are applicable to other activities that produce sufficient noise to result in incompatible land uses in the surrounding community. However, the Noise Control Act exempts from product environmental noise requirements any machinery or equipment designed for use in experimental work performed by or for the federal government.

State and Local Requirements

State, regional, and local governmental agencies have noise control and land-use regulations that have the potential to affect the Postal Service. As a general rule, states tend to treat environmental noise as a source-specific pollutant whose emissions will be controlled by the locally affected community. Individual state and local governments may regulate the following:

- a. Small-arms training.
- b. Vehicles.
- c. Power-generating equipment.
- d. Demolition.
- e. Industrial activities.

Radon

Federal Legislation

No legal standards currently regulate radon in residential housing; however, EPA recommends mitigation actions be taken when the average annual radon concentration in the building exceeds 4 picoCuries per liter of air (4pCi/L). There is no absolute *danger level*. Executive

Order 12088, Federal Compliance with Pollution Standards, does apply to radon; it makes agency heads responsible for radon management and appropriate funding.

State and Local Requirements

State and local governments may enact radon control standards.

Appendix C

U.S Postal Service Environmental QAR Pre-Visit Questionnaire

This pre-visit questionnaire is intended to provide facility background information to the QAR review team in advance of the onsite visit. This information will assist the reviewers in planning and conducting facility reviews and will help to make their onsite activities as easy as possible for facility personnel. Please complete the questionnaire and forward it to the QAR team leader within 2 weeks of receipt. Accurate and timely completion is greatly appreciated.

A. General Information

Facility Name: _____

Facility ID No.: _____ (Finance No. + Sublocation No.)

☐ Bulk Mail Facility ☐ Vehicle Maintenance Facility ☐ General Mail Facility

1. Site Location

a. Physical Location:

Street Address: _____

City/Town: _____

County: _____ State: _____ ZIP: _____

Main Phone No.: _____ Fax No.: _____

b. Mailing Address:

Street/P.O. Box: _____

City/Town: _____ State: _____ ZIP: _____

2. Facility Contacts

Facility Manager: _____ Title _____

Facility Environmental
Coordinator: _____ Title _____

QAR Liaison/POC: _____ Title _____

POC Phone No.: _____

3. General Facility Information

a. Primary function of facility: _____

b. Permits/Registrations held by facility (check all that apply)

Permit/Registration Type	Required? (Yes or No)	Description of Permitted Operations
Wastewater/Storm water Discharge		
Air Discharge		
Hazardous Waste Management		
Underground Storage Tanks		
Other (specify)		
Other (specify)		
Other (specify)		

c. Approximate acreage of site: _____ acres

d. Number of employees (normal complement)

e. Heating source ☐ Coal ☐ Oil ☐ Natural Gas ☐ Other

f. Initial construction date ____/____/____

g. Initial USPS occupancy date ____/____/____

h. Date and description of last major addition ____/____/____

i. Are maps of the site available (e.g., facility diagrams, schematics, facility floor plan)?
☐ Yes ☐ No

Note: If available, please return a copy of the map/floor plan with this questionnaire.

j. Has the facility been inspected by any regulatory agency since January 1992?

☐ Yes ☐ No

If "Yes," list the inspecting agency(s) (e.g., EPA, state EPA, local fire department) and briefly describe identified compliance issues in the following table:

Inspecting Agency	Compliance Issue(s)

k. Are there any pending or resolved regulatory agency enforcement actions at the facility since January 1992?

If "Yes," please describe each unresolved or pending enforcement action:

B. Regulatory or Pollution Control Program Information

Clean Air Act (CAA)	(circle applicable answer)			
1. Does the facility have air emission sources? If Yes, how many?	Y	N	NA	
2. Does the facility have air emission permits or registrations? If Yes, how many of those sources identified above have formally received air permits?	Y	N	NA	
3. Does the facility conduct air emission monitoring?	Y	N	NA	
4. Are there VMFs at the facility? If Yes, how many parts cleaning stations are used?	Y	N	NA	
5. Are there any underground storage tanks? Does the facility operate fuel dispensing systems?	0	1	2	>2
6. Are there any aboveground storage tanks? How many of the facility's tanks are used to store oil or volatile materials?	0	1	2	>2
7. Are there any paint spraying booths at the facility?	Y	N		
8. Have any citizens or community groups complained about air emissions from the facility since January 1993?	Y	N	N/A	

Clean Water Act (CWA)	(circle applicable answer)		
1. Does the facility have wastewater or storm water point source discharges? If Yes, how many? _____	Y	N	NA
2. Does the facility have a permit to discharge:			
a. Sanitary wastewaters	Y	N	NA
b. Industrial wastewaters	Y	N	NA
c. Storm water discharges?	Y	N	NA
3. Are you aware of any discharges to surface waters or groundwater that are not covered by a permit?	Y	N	NA
4. Does the facility monitor its:			

Clean Water Act (CWA)	(circle applicable answer)		
a. Wastewater	Y	N	NA
b. Storm water	Y	N	NA
c. Groundwater?	Y	N	NA
5. If applicable, how are sanitary wastewaters managed?			NA
a. Onsite treatment (e.g., oil water separator)	Y	N	
b. Septic system	Y	N	
c. Offsite publicly owned treatment works (POTW)	Y	N	
d. Offsite privately owned treatment works	Y	N	
e. Other _____	Y	N	
6. If applicable, how does are industrial wastewaters managed?			NA
a. Onsite treatment	Y	N	
b. Septic system	Y	N	
c. Deep well injection	Y	N	
d. Offsite publicly owned treatment works	Y	N	
e. Offsite privately owned treatment works	Y	N	
f. Other _____	Y	N	
7. If applicable, does the facility have a storm water pollution prevention plan?	Y	N	NA
8. Does the facility have any:			
a. Underground oil or petroleum storage tanks with a capacity greater than 42,000 gallons?	Y	N	
b. Aboveground oil or petroleum storage tanks with a capacity greater than 1,320 gallons?	Y	N	
c. At least one aboveground oil or petroleum storage tank with a capacity in excess of 660 gallons?	Y	N	
9. Has the facility experienced any significant spills or emergency situations in the past two years?	Y	N	NA
10. Has the facility prepared any of the following plans?			
a. Spill Prevention Control and Countermeasures Plan (SPCC)	Y	N	
b. Hazardous Waste Contingency Plan	Y	N	
c. Oil Pollution Prevention Act (1990) Response Plan	Y	N	
d. Other contingency/emergency response plans	Y	N	
11. Are employees formally trained to implement the applicable plan(s) listed above?	Y	N	
12. Are copies of the plans available at the facility?	Y	N	

Safe Drinking Water Act (SDWA)	(circle applicable answer)	
1. What is the facility's potable water source?		
a. Onsite well(s)	Y	N
b. Surface water	Y	N
c. Municipal supply	Y	N
d. Bottled	Y	N
e. Water coolers	Y	N
2. Does the facility monitor the quality of its drinking water onsite?	Y	N
3. Have there been any water quality problems?	Y	N
4. Is drinking water treated onsite prior to use?	Y	N

Hazardous Waste Management - RCRA Subtitle C		(circle applicable answer)			
1.	Does the facility generate RCRA hazardous waste?	Y	N	NA	
2.	Does the facility have an EPA Identification Number?	Y	N	NA	
	Does the facility have more than 1 EPA ID Number?(This may occur when both VMF and BMF have EPA ID numbers, but are located on the same contiguous property)	Y	N		
	List all EPA ID Numbers _____				
3.	Does the facility have a RCRA permit?	Y	N		
4.	What is the maximum amount of RCRA hazardous waste generated in a calendar month since January 1993? _____ kg				
	a. Does the facility usually generate hazardous waste in amounts:				
	(1) Less than 100 kg/month?	Y	N		
	(2) Between 100 - 1,000 kg/month?	Y	N		
	(3) In excess of 1,000 kg/month?	Y	N		
	b. Does the facility generate acutely hazardous waste?	Y	N		
	(1) In excess of 1 kg/month?	Y	N	NA	U
5.	Does the facility store hazardous waste for more than 90 days from the date that accumulation starts?	Y	N	NA	U
	a. For longer than 180 days?	Y	N		
	b. For longer than 270 days?	Y	N		
	c. Does the facility utilize satellite accumulation areas?	Y	N		
6.	Is there a formal training program for workers involved in hazardous waste management?	Y	N		
7.	How is hazardous waste usually stored?				
	a. Aboveground storage tanks	Y	N		
	b. Underground storage tanks	Y	N		
	c. Drums	Y	N		
	d. Roll-off	Y	N		
	e. Other: _____	Y	N		
8.	Does the facility have a written waste minimization plan?	Y	N	NA	
9.	Does the facility treat or dispose of hazardous waste onsite?	Y	N	NA	
	If "Yes," treatment or disposal consists of:	Y	N		
	a. Incineration or other thermal treatment	Y	N		
	b. Landfill/land treatment	Y	N		
	c. Biological treatment	Y	N		
	d. Physical or chemical treatment	Y	N		
	e. Underground injection	Y	N		
	f. Neutralization unit	Y	N		
10.	Does the facility conduct the following training:				
	a. Hazard Communication	Y	N		
	b. Hazardous Waste Operations and Emergency Response	Y	N		
Solid Waste Management - RCRA Subtitle D		(circle applicable answer)			
1.	How does the facility dispose of solid waste?				
	a. Municipal or private garbage collector	Y	N	NA	
	b. Onsite landfill	Y	N	NA	
	c. Offsite landfill	Y	N	NA	

Solid Waste Management - RCRA Subtitle D		(circle applicable answer)			
d. Other _____		Y	N	NA	
2. Does the facility have a solid waste recycling program?		Y	N		

Underground Storage Tanks- RCRA Subtitle I		(circle applicable answer)			
1. How many underground storage tanks are present at the facility? (refer to the question on page 4 under the CAA)		0	1	2	>2
2. Are the USTs used to store:					
a. Hazardous wastes		Y	N		
b. Petroleum products		Y	N		
c. Other _____		Y	N		
3. Are there any abandoned or out-of-service USTs at the facility?		Y	N		
If Yes, how many? _____					
4. Have any USTs been removed or closed-in-place during the past two years?		Y	N		
5. Are all the USTs registered or permitted by the state or local regulatory agency?		Y	N		
6. Does the facility have any groundwater contamination issues related to the use of USTs?		Y	N	NA	U

Toxic Substances Control Act (TSCA)		(circle applicable answer)			
1. Does the facility have in use or storage (for reuse or disposal) any Polychlorinated biphenyls (PCBs) or PCB-contaminated:					
a. Transformers		Y	N	NA	U
b. Capacitors		Y	N	NA	U
c. Electromagnets		Y	N	NA	U
d. Hydraulic systems		Y	N	NA	U
e. Laboratory samples		Y	N	NA	U
f. Other _____		Y	N	NA	
(If any answer is "Yes," answer the rest of the questions in this section).					
2. What is the maximum concentration of PCBs used or stored at the facility since January 1993? (check one)					
[] <2ppm [] 2-50ppm [] 50-500ppm [] >500ppm [] N/A					
3. Have all the equipment listed in question 1 been tested or otherwise assessed to determine PCB content?		Y	N	NA	U
4. Are analytical testing results available to document the PCB content of dielectric fluid-bearing equipment at the facility?		Y	N		
5. Has any electrical equipment been retrofilled to reduce the PCB content of the dielectric fluid since January 1993?		Y	N	NA	U
6. Has a formal training program on PCB management been established and implemented?		Y	N		
7. Are facility PCB activities documented in an annual PCB annual report?		Y	N		
8. Are PCB shipment records maintained?		Y	N		

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)					
1. Does the facility use pesticides?		Y	Y	NA	U
Are pesticides stored at the facility?		Y	N		
2. Are pesticides used or applied by facility personnel?		Y	N		
Are employees licensed to apply these pesticides?		Y	N		

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

- | | | |
|---|---|---|
| b. Are medical records kept for individuals involved in the management of pesticides? | Y | N |
| 3. Does the facility generate any pesticide wastes? | Y | N |

Asbestos Management Program**(circle applicable answer)**

- | | | | | |
|--|---|---|----|---|
| 1. Is friable asbestos known or suspected to be present at the facility? | Y | N | NA | U |
| 2. Has the facility conducted a self inspection to determine the presence of friable asbestos? | Y | N | | |
| If so, has any special precautions been taken to prevent its inadvertent removal? | Y | N | | |
| 3. Has any asbestos been removed or disposed during the current and preceding calendar year? | Y | N | | |

Emergency Planning and Community Right to Know Act (EPCRA)**(circle applicable answer)**

- | | | | | |
|---|---|---|----|---|
| 1. Has the facility completed an inventory of hazardous chemicals at the site? | Y | N | NA | U |
| 2. Does the facility: | | | | |
| a. Use, store, emit, transfer or dispose of "extremely hazardous substances" or hazardous or toxic chemicals (a regulated chemical substance as defined by the EPA) in excess of 10,000 pound per year? | Y | N | | |
| b. Manufacture or process more than 25,000 pound per year of an EPA regulated chemical substance? | Y | N | | |
| 3. Is someone at the facility designated as the onsite emergency coordinator for EPCRA, SARA Title III activities? | Y | N | | |
| 4. Does the facility have available Material Safety Data Sheets (MSDS)? | Y | N | NA | U |
| 5. Does the facility have available the toxic release inventory (TRI)? | Y | N | NA | U |
| 6. Have there been any releases of toxic chemicals from the facility during the last year? | Y | N | | |
| 7. Does the facility have flammable or combustible storage cabinets: | | | | |
| a. Inside the building | Y | N | | |
| b. Outside the building? | Y | N | | |
| 8. Does the facility store/use compressed gases (e.g., oxygen, acetylene, or nitrogen)? | Y | N | | |
| 9. Does the facility store batteries and/or have a battery reclamation point? | Y | N | | |

CERCLA (Superfund)**(circle applicable answer)**

- | | | | | |
|--|---|---|----|---|
| 1. Has the facility been a source of any known offsite contamination? | Y | N | NA | U |
| 2. Does the facility have "unofficial" landfill sites that are no longer in use? | Y | N | NA | U |

Historic Preservation and Cultural Resources Act**(circle applicable answer)**

- | | | | | |
|---|---|---|----|---|
| 1. Does the facility have an area(s) designated as: | | | | |
| a. Cultural resource | Y | N | NA | U |
| b. Archeological resource | Y | N | NA | A |
| c. Historical structure (National Register)? | Y | N | NA | U |
| 2. Does the facility have in place, a program to locate, inventory, and nominate properties, or materials present on the site that are: | | | | |
| a. Cultural or historical | Y | N | | |
| b. Of religious significance | Y | N | | |
| c. Native American human remains, funeral objects, or other cultural items? | Y | N | | |

Endangered Species Act and Natural Resources		(circle applicable answer)			
1.	Does the facility have any outdoor recreational areas?	Y	N		
2.	Has a survey been conducted to determine if there are any animals or plants present or near the facility listed as endangered or threatened?	Y	N		
3.	Are there any areas at the facility that have:				
	a. Wetlands	Y	N		
	b. Flood Plains	Y	N		
	c. Endangered species on its property	Y	N		
	d. Are located in or near coastal zones?	Y	N		

National Environmental Policy Act (NEPA)		(circle applicable answer)			
1.	Were there any major construction activities during the past year?	Y	N	NA	U
2.	Has the facility recently prepared, or is in the process of preparing, an environmental assessment (EA) or an environmental impact statement (EIS)?	Y	N		

Radon Program		(circle applicable answer)			
1.	Has the facility monitored for radon gas?	Y	N	NA	U
2.	Has the drinking water been tested for radon?	Y	N	NA	U

Lead and Lead Based Paint Program		(circle applicable answer)			
1.	Has a lead and lead-based paint inspection been conducted at the facility?	Y	N	NA	U
	If "Yes," was the facility found to contain any lead or lead-based paint?	Y	N		
2.	Was lead-based paint ever removed from the facility?	Y	N	NA	U
	If "Yes," was the paint removed by an offsite contractor?	Y	N		

Noise Abatement Program		(circle applicable answer)			
1.	Does the facility have any operations that produce environmental noise or noise that goes outside the facility (e.g., helicopter pad, generators, highway transportation)?	Y	N		
2.	Has an environmental noise survey been completed at the facility?	Y	N	NA	U
3.	Do any cooperative agreements exist regarding land-use development with bordering communities?	Y	N	NA	U

Environmental Program Management		(circle applicable answer)	
1.	Does the environmental department have problems or deficiencies in:		
	a. Staffing	Y	N
	b. Funding	Y	N
	c. Other _____	Y	N
2.	Has the facility or regulatory agency identified any facility compliance deficiencies with applicable regulations?	Y	N

Appendix D

Multimedia Environmental Protocols

(Published Separately)

Appendix E

U.S. Postal Service Environmental QAR Performance Evaluation

The QAR team has completed the onsite phase of an environmental compliance review of your facility. We are very interested in receiving constructive comments regarding how well the review was conducted and the effectiveness of the QAR program. Please answer all questions on this evaluation form. If this form does not address your concerns, feel free to provide more detailed remarks at the end of this form under "Comments." Please complete and return this questionnaire within 1 week after completion of the environmental compliance review of your facility. Mail the questionnaire to: _____

Facility Name: _____

Facility ID No: _____ Finance No. + Sublocation No.)

Date(s) of QAR: _____

Person Completing This Form (Optional): _____

A. Pre-Review Phase

1. Were you given advance notice of at least 2 to 4 weeks that an environmental [] Yes [] No
compliance QAR was to be conducted at your facility?

2. Did you assist in completing the Pre-Visit Questionnaire? [] Yes [] No

If "Yes," were the questions: a. clear and easy to understand? [] Yes [] No

b. applicable to your facility? [] Yes [] No

B. QAR Entrance Briefing

1. Please rate how well the following elements were addressed at the entrance briefing:

	Excellent	Good	Fair	Poor
a. Objectives of the compliance review	_____	_____	_____	_____
b. Activities involved in conducting a compliance review	_____	_____	_____	_____
c. Your responsibilities or involvement in the QAR process	_____	_____	_____	_____
d. Overview of regulatory or pollution control programs reviewed at your facility based on the following:				
(1) Applicability to your job or responsibilities	_____	_____	_____	_____
(2) Level of detail	_____	_____	_____	_____
(3) Quality of presentation by the QAR team	_____	_____	_____	_____
(4) Visual aids	_____	_____	_____	_____
(5) Pace of overview	_____	_____	_____	_____

C. Conducting the Environmental Compliance Review

1. Did the QAR team interfere with your operations? ☐ Very much ☐ Somewhat ☐ Not at all
2. Did the QAR team communicate compliance findings to you throughout the review process? ☐ Frequently ☐ Sometimes ☐ Not at all

D. QAR Exit Briefing

1. Were you provided with QAR Finding Report Forms for all compliance findings? ☐ Yes ☐ No

2. Please rate the following elements of the QAR finding report forms:

- a. Format
b. Clarity
c. Level of detail

Excellent	Good	Fair	Poor
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

E. General

1. Were the objectives of the compliance review met? ☐ All ☐ Most ☐ Some ☐ Few
2. Was the QAR process helpful to you with respect to:
- a. Enhancing regulatory knowledge ☐ Yes ☐ No
- b. Identifying unpermitted activities ☐ Yes ☐ No
- c. Identifying ways to improve compliance ☐ Yes ☐ No

3. Please rate the QAR team on the following elements:

- a. Organization in carrying out the compliance review
b. Preparation for conducting the review
c. Knowledge of your facility operations
d. Professionalism and experience
e. Ability to communicate and work with facility staff
f. Overall performance

Excellent	Good	Fair	Poor
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Please offer constructive suggestions to improve the environmental compliance QAR process:

F. Additional Comments



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